

EXTENSIONS OF REMARKS

CONGRATULATING ERIC CROUCH
ON WINNING THE HEISMAN TROPHY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BEREUTER. Mr. Speaker, This Member would like to congratulate Nebraska Cornhusker quarterback Eric Crouch for winning the Heisman Trophy. Throughout his career, and especially this year, Crouch proved that he deserves this recognition as the nation's top college football player.

The numbers are indeed impressive. In 2001, Crouch became just the 13th Division I—A quarterback to rush and pass for more than 1,000 yards in the same season. He also ran for 18 touchdowns, passed for seven more, and even caught a touchdown pass while leading the Huskers to an 11–1 record and a trip to the Rose Bowl for the national championship. During his career, Crouch scored 59 rushing touchdowns, more than any other Division I—A quarterback in history.

As impressive as the statistics are, however, they only tell part of the story. Crouch is a true leader and a winner both on and off the field. Despite playing through pain much of his career, Crouch never missed a snap in his final three seasons due to injury.

Crouch, a native Nebraskan, has set a powerful example through his hard work and steadfast determination to overcome obstacles. He has matched a fierce will to win with humility and strong character.

In addition to winning the Heisman Trophy, Crouch was also recently named the winner of the Walter Camp Award, given to the collegiate player of the year, and the Davey O'Brien National Quarterback Award, given to the nation's top college quarterback.

This Member joins all Nebraskans and football fans across the nation in congratulating Eric Crouch on his success and the prestigious awards he has won.

IN SUPPORT OF AMERICA'S
VETERANS

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. FORBES. Mr. Speaker, last week, we commemorated the 60th anniversary of the attack on Pearl Harbor. That single event changed the history of the world, and altered the paths of all Americans. No one was more affected, however, than the World War II veterans who picked up arms in response to that attack. Ceremonies all across the nation honored them for their sacrifices last Friday, including one in which I was proud to participate on the U.S.S. *Enterprise*.

There can be no greater exhibition of gratitude, however, than passage of legislation that

improves the lives of those veterans and expands upon the benefits that they have richly earned. For months now, several bills passed by the House to help our veterans have awaited action by the other chamber. Today, I am pleased to join my colleagues in finally passing some of them and sending them to the President for his signature into law.

The first bill sets a high, but I think attainable goal, of ending chronic homelessness among veterans. Far too many of the brave men and women who fought to provide us with freedom spend their days and nights on the streets and in shelters. They returned from the battlefield but were unable to make the transition back to their civilian lives. Given the great sacrifices they have made on our behalf, we should be able to make a real effort to help them find their place in our society where they can feel welcome and comfortable. As many as 300,000 veterans sleep on the streets on any given night. The \$1 billion authorized by this legislation over the next five years will go far to help them find peace and shelter.

The second bill provides a 2.6 percent cost-of-living adjustment for veterans disability compensation. For 100 percent disabled veterans, this translates into an average of \$738 each year. These men and women sacrificed their ability to do many routine tasks, including work, when they put on the uniform and were wounded. This legislation merely helps them keep pace with inflation, so that they can pay their bills and live their lives. It is a modest increase compared to what they have given.

The final bill consolidates several bills considered by the House that increase education, housing, burial, and disability benefits for veterans by \$3.1 billion over the next five years. Specifically, the bill increases the popular and successful Montgomery GI Bill college education benefit by 51 percent over current levels, increases the veterans home loan guaranty by nearly \$10,000, and increases grants for disabled veterans' implements. Furthermore this bill expands the list of illnesses for which veterans can qualify for disability compensation and will repeal the 30-year presumptive period for respiratory cancers associated with exposure to Agent Orange and other herbicides.

Together, these bills are a fitting way to thank our veterans and to extend a promise to the millions of American soldiers, sailors, airmen, and marines that are now serving in uniform. Without these men and women, the world would be far less secure and the future would be bleak. I am proud to be a part of the effort to show our thanks.

TRIBUTE TO STATE SENATOR KEN
DEBEAUSSAERT CLINTON TOWNSHIP
DEMOCRATIC CLUB

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BONIOR. Mr. Speaker, this year the Clinton Township Democratic Club will host its biennial Awards Banquet, where members come together to celebrate the achievements of two of its members with food, laughter and fun. Honoring distinguished individuals who have shown outstanding dedication and service to the club as well as their local communities, this year they chose to honor two very special people, State Senator Ken DeBeaussiaert and Clinton Township Democratic Club President Christine Koch. Over the course of my career in Congress, I have had the honor of recognizing individuals from all over my District and State. Today, however, I have the distinct pleasure of honoring my two good friends, Ken and Chris.

First elected in 1992 and reelected in 1998, Ken has represented the Eleventh State Senate District and his community well for years. Serving on State Senate committees that include Appropriations, Environmental Quality, Natural Resources, Reapportionment, and Local, Urban, and State Affairs, Ken has shown outstanding dedication and commitment to his constituents and this state. An active and enthusiastic supporter of the environment and conservation efforts in Michigan, Ken also served ten years in the Michigan House of Representatives prior to his State Senate terms, where he served on the Conservation, Recreation, and Environment Committee as well as chaired the Consumers Committee and Marine Affairs and Port Development Committee. Between his House and Senate terms he worked in 1992 for Congressman Sander Levin as District Administrator, and finally, I had the pleasure of working with Ken where he began as a member of my Congressional District Staff as a constituent service representative in 1977.

Faithfully committed to his community as well, Ken is a member of a long list of community organizations, including the New Baltimore Historical Society, the Mount Clemens Art Center, and Creating a Healthier Macomb, and serves on the advisory boards of Comprehensive Youth Services and the Retired Senior Volunteer Program, to name a few. Finally, as an elected official member of the Clinton Township Democratic Club, Ken has devoted his time serving as a panelist for the club's annual student government luncheons as well as presenting a legislative update each fall for the past several years.

It gives me great pleasure to honor one of my district's most tireless advocates for the Democratic way of life, State Senator Ken DeBeaussiaert, for his leadership and commitment, and I urge my colleagues to join me in saluting him for his exemplary years of service.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall Nos. 483, 484, and 485. I was unavoidably detained and was not present to vote. Had I been present, I would have voted "aye" on all three measures.

PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

SPEECH OF

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. RUSH. Mr. Speaker, I rise in support of the Public Health Security and Bioterrorism Response Act of 2001, H.R. 3448. Since the September 11 terrorist and the subsequent anthrax attacks, we in this country have become acutely aware of our vulnerability to bioterrorism, and I particularly became a cosponsor of this legislation because of those concerns.

One of my major concerns has been the unique vulnerability of medically underserved populations to a bioterrorist attack. Many of the residents of these areas do not have access to even basic health services, much less comprehensive health insurance or preventive and specialty care. In addition, state and local governments which provide many of the health services to these communities are finding their resources depleted due to the recent recession and terrorist attacks.

This legislation goes a long way towards protecting medically underserved communities and strengthening state and local health departments. Specifically, I thank Chairman TAUZIN and Mr. DINGELL for agreeing to work with me to include a provision in this bill which investigates the unique needs of medically underserved areas in case of a bioterrorist attack.

Also, the bill strengthens state and local public health infrastructure through a series of grants, which include funding for: the purchases or upgrades of equipment, supplies, pharmaceuticals or other countermeasures; the training and education of health care professionals where there are shortages; and laboratory services and poison centers.

In regards to funding for poison centers, these entities are critical first responders, particularly to urban and rural underserved areas. In my home state of Illinois, the Metropolitan Chicago Healthcare Council operates the Illinois Poison Center which provides 24-hour poison prevention and treatment advice statewide. The center acts as a liaison to federal, state & local agencies and serves as a resource for information on weapons of mass destruction, including chemical & biological agents. The Center is the preeminent center in Illinois dedicated to the treatment of incidents of pediatric poisoning. If a bioterrorist attack occurred in Illinois, undoubtedly the Illinois Poison Center would play an invaluable role in alerting the community.

For far too long our public health infrastructure has been divided between those with access to services and those without access to services. This legislation will help close the gap between these two groups where bioterrorism is concerned.

PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

SPEECH OF

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of H.R. 3488, the Public Health Security and Bioterrorism Response Act of 2001.

On September 11, our way of life changed. Something that has been on everyone's minds since the beginning of the anthrax scare in the United States is the state of our public health system. Everyone wants to know if the United States is equipped for a possible chemical or biological attack, and I'm proud to say we are working to ensure our readiness.

Before September 11, it was important for the United States to allocate money for improvements to our public health system. After September 11, it became a necessity. Congress is taking a step in the right direction by passing the Public Health Security and Bioterrorism Response Act of 2001. Since our public health infrastructure is spread among different agencies and departments, this \$2.96 billion package addresses a variety of funding necessities to infuse our public health system with desperately needed funds to protect the American people in case of chemical or biological attacks.

My colleagues and I realize the important role played by state and local offices of the public health system. Often, it is our local health officials who are deeply embroiled with the day-to-day assistance for those involved in chemical and biological attacks. This legislation allocates almost \$2.7 billion across a variety of agencies that prepare for public health emergencies such as bioterrorism attacks. \$1 billion will be given to states, local governments, and public and private health care facilities in the form of grants. It allows them to improve planning and preparedness for attacks, enhance their laboratories, educate and train their health care personnel, and develop new treatments and vaccines.

\$1 billion is earmarked for the Secretary of Health and Human Services to expand our current national stockpile of antibiotics and vaccines, including those for smallpox. Since the Centers for Disease Control play an important role when it comes to bioterrorism, \$450 million will go to it for bioterror program expansion. It is crucial they renovate their facilities and improve lab security. The package also calls for the creation of a national database of hazardous pathogens and establishes registration, safety and security requirements on the 36 most deadly biological agents and toxins.

Congress is finally addressing some major deficiencies in our food inspection process, and water supply security. This bill gives \$100 million to the Food and Drug Administration, which will allow them to better protect our food

supply by hiring more border inspectors and finding new methods to detect contaminated food. An additional \$100 million will be distributed specifically to safeguard our drinking water by increasing vulnerability analyses and emergency response plans.

I applaud my colleagues' hard work on this legislation, and I'm glad we were able to address this issue before the holidays.

BASIC PILOT EXTENSION ACT OF 2001

SPEECH OF

HON. TOM OSBORNE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. OSBORNE. Mr. Speaker, I am pleased to be a cosponsor of H.R. 3030, the Basic Pilot Extension Act of 2001, which passed the House by voice vote on December 11, 2001. The Basic Pilot is a joint pilot conducted by the Immigration and Naturalization Service (INS) and the Social Security Administration (SSA) in my home state of Nebraska, among others. This pilot, which started in November 1997, involves verification checks of the SSA and the INS databases of all newly hired employees regardless of citizenship. Unfortunately, the Basic Pilot program was scheduled to terminate on November 30 of this year.

The agricultural economy of Nebraska's Third District relies heavily on immigrant labor. For the most part, I believe that employers across my district want to comply with the Immigration Reform and Control Act of 1986, which made it unlawful for employers to knowingly hire or employ aliens not eligible to work, and required employers to verify documents of new workers. However, a simple visual check of these documents by employers will not tell them if these are in fact counterfeit documents, and that this potential new hire is in fact an illegal alien.

I have heard from many business people in the Third District about their need for the Basic Pilot program. Employers need the appropriate tools to ensure that they are indeed hiring eligible workers. By checking the new hire's documents against the INS and SSA databases, the Basic Pilot program allows employers to feel more confident about their new hire.

H.R. 3030 will extend the Basic Pilot program for employers in Nebraska for two years. I thank my colleague, Representative LATHAM, for introducing this much needed extension, and I am pleased it passed the House on December 11, 2001.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 483, H. Con. Res. 281, honoring the ultimate sacrifice made by Johnny Micheal Spann, the first American killed in combat during the war against terrorism in Afghanistan, and pledging continued support for members of the Armed Forces. Had I been present I would have voted "yea."

I was also unavoidably detained for Rollcall No. 484, H.R. 3282, to designate the Federal building and United States courthouse located at 400 North Main Street in Butte, Montana, as the "Mike Mansfield Federal Building and United States Courthouse." Had I been present I would have voted "yea."

I was also unavoidably detained for Rollcall No. 485, H.R. 10, the Railroad Retirement Act. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CLAYTON. Mr. Speaker, on Thursday morning December 6, 2001, I was unavoidably detained and as a result missed 1 rollcall vote.

Had I been present, the following is how I would have voted: Rollcall No. 476—"Nay."

(On agreeing to the resolution H. Res. 305—Providing for consideration of motions to suspend the rules)

TRIBUTE TO CHRISTINE KOCH, CLINTON TOWNSHIP DEMO- CRATIC CLUB

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BONIOR. Mr. Speaker, this year the Clinton Township Democratic Club will host its biennial Awards Banquet, where members come together to celebrate the achievements of two of its members with food, laughter and fun. Honoring distinguished individuals who have shown outstanding dedication and service to the club as well as their local communities, this year they chose to honor two very special people, State Senator Ken DeBeaussiaert and Clinton Township Democratic Club President Christine Koch. Over the course of my career in Congress, I have had the honor of recognizing individuals from all over my District and State. Today, however, I have the distinct pleasure of honoring my two good friends, Ken and Chris.

I have had the great honor of knowing and working with Chris for over 25 years, beginning in 1972 when Chris and I joined forces in a community action group called Locofocos. Entering public service in 1977 as a member of my Congressional District Staff, Chris dedicated so much of her time and effort to serving her community. In her role as administrative aide, Chris represented the 10th Congressional District well, serving on more community boards and volunteer organizations than I could possibly name. Among the many visionary projects Chris sponsored as her personal mission, one of the closest to her heart has been the development of a district-wide bike path. Even today, she continues her dedication as President of Comprehensive Youth Services, Inc., Secretary of the Salvation Army Advisory Council, Secretary of the Mount Clemens Downtown Development Authority, and Secretary of Michigan Housing Counselors.

Faithfully committed to the Clinton Township Democratic Club, Chris has been a member

since its inception, serving as club secretary and later, as President since the mid 1990's. Dedicating her time to organizing club picnics and banquets, facilitating the Democratic Club's annual student luncheons, and serving as liaison to the Tenth District and the Michigan Democratic Party, few have shown the outstanding leadership and dedication to an organization as Chris has for so many years.

It gives me great pleasure to honor one of my district's most tireless advocates for the Democratic way of life, Christine Koch, for her leadership and commitment, and I urge my colleagues to join me in saluting her for her exemplary years of service.

TEACHERS: DO NOT BLAME "AMERICA FIRST"

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BOEHNER. Mr. Speaker, since the eleventh of September, our nation has demonstrated a genuine solidarity and an enthusiastic sense of patriotism. In the process, many parents have struggled to find the right way to tell their young children about the horrific nature of the terrorist attacks on our nation. Indeed, the events of September 11 brought to the fore unsettling questions about the problem of human evil and hatred.

As parents have sought to instill patriotism in their children—telling them about the decent values that America represents and the civilized traditions our nation carries on—it seems that some teachers are sending young students the "Blame America First" message. Chester E. Finn Jr., president of the Thomas B. Fordham Foundation, a senior fellow at the Manhattan Institute, and a former assistant secretary of education, has observed that the curricular guidance coming from state and local education leaders suggests that the United States brought the September 11 attack on itself—through its "imperial" foreign policy and "ignorance" of other cultures.

Nothing could be further from the truth; this is not the kind of overly politicized message students should be hearing. I'd like to commend Mr. Finn for exposing this activity. I'd also like to commend former Education Secretary William Bennett for developing an alternative to this kind of anti-Americanism. Mr. Bennett's education firm K12 has creating an instructional resource for parents and teachers to use in teaching children about patriotism. Available on the K12 website and geared for most ages, the lessons—ranging from civics, history, and geography to singalongs and storybooks—emphasize the principles that make America the beacon of liberty it is today.

The September 11 terrorist attacks may prove to be the largest, most significant event in our lives. We need to ensure that our children understand what caused it; we need to make sure the truth is not lost in a fog of political correctness.

INTRODUCTION OF H. CON. RES. 287

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BOEHLERT. Mr. Speaker, Earlier this year, while on a visit to South Africa, I had the chance to learn about a fascinating partnership between governments and conservationists. The Peace Park movement is a great success story and one that the world can learn from, particularly in our present world, which is beset of conflict, turmoil and uncertainty.

In 1997, Dr. Anton Rupert and His Royal Highness Prince Bernhard of the Netherlands formed the Peace Parks Foundation of South Africa, a not-for-profit organization, to establish and develop transfrontier conversation areas straddling international borders. Countries participation in a "Peace Parks" do not concede any national sovereignty but do allow the free movement of people and animals across the borders within the park. The goal of these parks are to create jobs, sustainable economic development and peace and understanding between the countries themselves as well as an appreciation of the importance of conservation.

Today eight separate peace parks either exist or are under development. These transfrontier conservation areas parks encompass a total area of 232,000 square miles and straddle borders from Tanzania in the north to South Africa in the south. One of the most ambitious plan of the Peace Parks Foundation is the consolidation of the land and its resources of the South Africa Kruger National Park, Mozambican Coutada 16 conservation area and the Zimbabwean Gonarezhou National Park into the Great Limpopo Transfrontier Park—the largest conservation area in the world.

In October 2001, the Great Limpopo Transfrontier Park was inaugurated when forty elephants from South Africa were released into Mozambique. Less than ten years ago this border symbolized the division and conflict between these countries and their peoples. For example, the apartheid-era South Africa government erected an electric fence along its border areas. Today the electric fence, which led to much acrimony and conflict between South Africa and Mozambique, is being dismantled, and the land mines are being removed and destroyed. The Great Limpopo Peace Park has helped replace gunfire, land mines and death with peace, understanding and life.

In addition to advocating for and facilitating the creation of more parks, the Peace Parks Foundation also plays a crucial role in community development. The Foundation encourages new ways to utilize the natural resources on a sustainable basis and the development of tourism facilities. Last year the Foundation through its partnership with the Southern African Wildlife College and other supports secured scholarships for 29 students drawn from wildlife departments and field programs in nine Southern African countries. These scholarships allow the students to attend the Southern African Wildlife College and train to become conservation managers.

I applaud the courage and vision of the Heads of State of the Southern African Development Community, who are patrons of the

Peace Park Foundation. These leaders are rewriting the textbooks on political border conflicts and helping to bring about sustainable peace and alleviate poverty in these rural areas. It is clear that peace parks go well beyond the conservation of biodiversity and play a major role in confidence building between countries and within regions.

Today I am introducing a Concurrent Resolution to honor the Peace Parks Foundation. I want to thank the 12 Representatives who are joining me today in introducing this Resolution. I urge all of my colleagues to join us in honoring a truly visionary organization.

I close with the remarks of Nelson Mandela who said: "I know of no political movement, no philosophy, no ideology, which does not agree with the peace parks concept as we see it going into fruition today. It is a concept that can be embraced by all."

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. TIAHRT. Mr. Speaker, on December 11, I was unavoidably detained and missed rollcall votes numbered 483, 484, and 485.

Rollcall vote 483 was on passage of H. Con. Res. 281, legislation which honors Johnny Micheal Spann, a paramilitary officer in the Central Intelligence Agency, who was the first American killed in combat during the war against terrorism in Afghanistan, and recognizes him for his bravery and sacrifice.

Rollcall vote 484 was on passage of H.R. 3282, legislation which designates the federal building and United States courthouse located at 400 North Main Street in Butte, Montana, as the "Mike Mansfield Federal Building and United States Courthouse."

Rollcall vote 485 was on passage of the Railroad Retirement and Survivors' Improvement Act of 2001.

Had I been present, I would have voted "yea" on Rollcall vote 483, "yea" on Rollcall vote 484, and "yea" on Rollcall vote 485.

PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

SPEECH OF

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. BALDACCI. Mr. Speaker, the tragic events of September 11 and the Anthrax scares that followed demonstrated the level of neglect under which our public health infrastructure has been operating. We no longer have the luxury of debating the "what ifs" in regards to bioterrorism. The threat remains very real. Our constituents demand that we take action to offer adequate domestic defense against bioterrorism. We must begin the process of improving and expanding our public health system, and can do so today with passage of this bipartisan legislation developed by the Committee on Energy and Commerce.

There are a number of very important provisions in this bill which will ensure that a na-

tional stockpile of medications is maintained, our food and water are protected, and toxic substances are carefully tracked. While we continue to develop improvements to our national response system, we have a responsibility to provide the resources to our state and local health officials and facilities to improve their ability to respond to bioterrorism. This bill is a downpayment to the states and local communities. It recognizes that each of our communities has distinct needs and that they require not only the funding to improve their systems, but the flexibility to address their public health concerns.

Like many of my colleagues following the terrorist attacks, I met with public health officials in my state. Common themes expressed centered on the lack of coordination and communications from federal officials, and the need for additional resources to expand planning and preparedness for future events. Enhancing the health workforce, laboratory and hospital bed capacities also were cited as needed improvements. I am happy to say that this bill begins to address these important issues.

As a critical piece to strengthening our domestic defense, the Public Health Security and Bioterrorism Response Act will enable state and local governments and health care facilities to immediately address the protection of the health and welfare of our citizens. I urge my colleagues to support this important legislation.

IN HONOR OF RETIRING REDONDO BEACH POLICE CHIEF MEL NICHOLS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Ms. HARMAN. Mr. Speaker, I rise today to honor a good friend, Mel Nichols, who retires later this month after eight years as Chief of the Redondo Beach Police Department. My district office is located in Redondo Beach, and Mel and his department have kept my staff and local residents well protected.

I met Mel as he was leaving the San Diego County Sheriff's Department, where over three decades he rose from Sergeant to Assistant Sheriff. Mel accompanied me on a visit to the Mexican border, where we observed the value of technology in the fight against illegal immigration. I was pleased, subsequently, to help obtain night vision goggles for Mel's department.

Mr. Speaker, of particular value to me has been Mel's involvement in the South Bay Chiefs' Association, of which he served as Chairman from 1996-1998. This organization encompasses nine South Bay cities most of which lie completely in my district, California's 36th Congressional District. Although no longer the Chairman, Mel continues to be heavily involved in this association, which has been a helpful outlet for me to communicate with the chiefs in my district.

In the wake of the September 11 terrorist attacks, Mel took it upon himself to launch within the South Bay Chiefs Association a Terrorism Response Advisory Group, and tasked one of his staff to pull it together. This Advisory Group, comprised of select experts in a variety

of law enforcement disciplines from agencies throughout the greater South Bay area, is already working to explore and identify the appropriate local law enforcement response to the possibility of increased terrorist activity in our region. This includes training, contingency planning, threat assessments, liaison with federal and military agencies, resource availability, and intelligence.

Mr. Speaker, this could not be more important. The group hopes that its findings and recommendations will become a model for other regions across the nation in how our local law enforcement agencies can best work in concert with county, state and federal agencies.

This vitally important advisory group will be Mel's legacy. I know Mel will not forget this community that he loves, and I wish him and his family well in their future endeavors.

THE CLAN CURRIE SOCIETY

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. FERGUSON. Mr. Speaker, today I wish to honor the Clan Currie Society of New Jersey.

For more than 15 years, the Society has promoted Scottish heritage and culture through their community-based arts programs and education outreach efforts.

Mr. Speaker, the Clan Currie Society encourages both Scots and also those of non-Scottish roots, to embrace this great culture's values, art forms and sense of civic responsibility.

Mr. Speaker, I am honored to have been invited to join the Society for their Pipes of Christmas musical celebration. I thank Mr. Robert Currie for that kind invitation, and look forward to next Sunday, December 16, when I'll have the opportunity to enjoy bagpipe music and share the holiday spirit with good friends and good neighbors.

Mr. Speaker, this Christmas season in particular, when so many of us are facing tough questions about the world we live in, I think it's important to look back and remember where we come from. I believe looking toward our roots and better learning about our past is the best way to face the future.

Mr. Speaker, the fine men and women of the Clan Currie Society, through their hard work and dedication, make it easier for us all to learn about ourselves. For that, I thank them and wish them continued success, a Merry Christmas and best wishes for the New Year.

ADMINISTRATIVE SIMPLIFICATION COMPLIANCE ACT

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2001

Mr. UDALL. Mr. Speaker, today the House will be voting on H.R. 3323, the Administrative Simplification Compliance Act, under suspension of the Rules. This legislation allows

health plans and providers to delay compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) until October 2003.

HIPAA was designed to improve administrative efficiency in the health care industry by facilitating electronic transactions between health plans and health care providers. The Department of Health and Human Services estimates these administrative simplifications will result in net savings (i.e., savings after accounting for implementation costs) of \$29.9 billion over ten years. The first phase of these simplifications is scheduled to go into effect in October 2002.

Some sectors of the health industry and state government's argue, however, that they need extra time to make the technical and procedural changes necessary to achieve compliance.

H.R. 3323 allows these health plans and providers that will be unable to comply by the original deadline, to delay HIPAA compliance until October 2003, provided that they submit a compliance plan to the Secretary of Health and Human Services. This document must summarize the entity's budget, schedule, work plan, and implementation strategy for becoming compliant by October 2003.

Mr. Speaker, I support the effort to allow delay for those plans and providers that will not be compliant by October 2002, provided that they do, in fact, have a plan to be compliant by October of the following year. Because H.R. 3323 requires plans and providers who wish to delay to submit a plan for compliance to the Secretary, I support this legislation.

I would like to take this opportunity, however, to voice my concerns over the fact that some plans, providers, and other types of companies affected by the HIPAA rules have gone to great lengths to be compliant by the original deadline, and now stand to face financial losses as a result of the delay.

One example of this is a company run by a Dr. Jacob Kuriyan, a constituent who resides in the district I represent. Dr. Kuriyan's company has developed software that helps facilitate the submission and receipt of HIPAA required electronic transactions for health plans and providers. Some health plans and providers have already purchased and installed this software in anticipation of the rapidly approaching HIPAA deadline.

Should H.R. 3323 pass, and allow some organizations to delay compliance, Dr. Kuriyan's company will have to foot the bill for removing this software from those providers who have installed it so that organizations can still accept paper transactions from the organizations who are not ready for HIPAA compliance.

Therefore, Mr. Speaker, while I do support the effort to allow responsible delay for compliance, I believe that Congress should do our best to reward, not penalize the organizations and companies, like Dr. Kuriyan's, that have invested the resources and made an effort to be HIPAA compliant by the original deadline of October 2002.

FISHERIES CONSERVATION ACT OF 2001

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. DELAHUNT. Mr. Speaker, I rise in strong support of this legislation which includes reauthorization of the Striped Bass Conservation Act.

When my predecessor, Gerry Studds, first introduced the Striped Bass Conservation Act in 1984, the species had been battered by pollution and over-fishing. Harvests had plummeted so far, so fast—by over 10 million pounds over the preceding 10 years—that there was legitimate fear for the literal future of the species.

If the problem was clear, the solution was not. Striped bass are highly migratory, and move primarily along the three-mile coastal zone which is under the combined jurisdictions of 12 states and the District of Columbia. Balancing the needs of the fish, the fishermen, and the regulators, Congressman Studds and his colleagues crafted a unique and, as it turned out, highly effective scheme to bolster state management efforts to restore the stocks.

By all measures, the results of this cooperation among the states, and between the state and federal governments, have been astonishingly successful. Today, the fish are found in impressive numbers, up and down the coast. The federal-state partnership embodied in the Striped Bass Act has restored the species to its former, considerable glory as one of the most important sport and commercial fisheries on the east coast.

These strides for conservation also have direct economic consequences. In my area, healthy striped bass stocks mean business for campgrounds in Truro or tackle shops in Edgartown—and striped bass fishing has even returned to Boston Harbor. It's a classic case of doing well by doing good.

GLOBAL ACCESS TO HIV/AIDS PREVENTION, AWARENESS, EDUCATION, AND TREATMENT ACT OF 2001

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Ms. MILLENDER-McDONALD. Madam Speaker, I rise in strong support of H.R. 2069, a bill that I co-sponsored in order to help raise awareness of the need to promote prevention of HIV/AIDS. There can be no more pressing issue than tackling this pandemic that is so ruthlessly killing millions of people across the globe.

It has already reduced the population of the African continent by almost 20 million lives alone. It has created a generation of orphans that will never know the warmth and meaning of family. It is a relentless plague that destroys our universal productivity, labor and health. It affects each and every one of us.

Mr. Speaker, we must do all that is in our power to resolve this multi-dimensional global

crisis. In particular, I would like to highlight a portion of this bill's important provision that employs language from a free standing bill that I introduced which addresses the prevention of the transmission of HIV/AIDS from mother to child. This transmission is the largest source of HIV infection in children under age 15 and the only source for transmission to infants.

According to recent findings, the total number of births to HIV-infected pregnant women each year in developing countries is approximately 700,000. Funding under this bill will greatly contribute to decreasing this number by providing counseling and voluntary testing to infected women. With this information, mothers-to-be, who are aware of their status, can make informed decisions about treatment, replacement feeding to reduce risks to their unborn babies and future child-bearing.

This act of prevention is only one first step, Mr. Speaker, but an essential one in our battle being waged against this devastating enemy. I therefore join my colleagues in supporting urgent passage of H.R. 2069.

TRIBUTE TO THE PEOPLE OF LEON COUNTY, FL

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BOYD. Mr. Speaker, today I rise to pay tribute to the people of Leon County, Florida. In a sincere motion of recognition, the citizens of Leon made a declaration of gratitude to all of those soldiers who are fighting overseas due to the horrible events of September 11th. I believe this decree shows that not only were all parts of this great country affected by the terrorist acts, but that the American people's support for the campaign to eliminate terrorism has not wavered.

Leon County's Declaration is as follows:

Whereas, the American experiment of government of the people, by the people and for the people stands as a beacon of freedom throughout the world; and

Whereas, the government and people of the United States of America are dedicated to the principles of freedom and individual liberty for all of the world's citizens; and

Whereas, on September 11, 2001, citizens of the United States and of the world were murdered in a dastardly campaign of inhuman atrocities, simply because they dared to live free; and

Whereas, the United States now finds itself at war both at home and abroad for the first time in its history; and

Whereas, the men and women of the United States Armed Services are tasked with the responsibility to defend the people and constitution of the United States of America; and

Whereas, many men and women of Leon County, Florida have answered the call to duty during this crisis.

Now, Therefore, Be It Resolved By The Board of County Commissioners of Leon County, Florida, that the men and women of Leon County who serve in the United States armed services are recognized as our ambassadors of freedom, and that they are further designated, along with their colleagues from every community in the United States, by the citizens of Leon County, Florida, as our emissaries of peace, and the best hope for

peace and security for all the free peoples of the Earth. Let it be known that, as the elected representatives of the people of this community, the Leon County Board of County Commissioners declares no compromise possible on the principles of freedom, the requirements of security, and the natural right of every person to live free from the fear of terrorist assault. As such, we once again look to the men and women of our armed services, the finest in the world, to defend our lives, our freedom, and the sacred right of every person to life, liberty and the pursuit of happiness.

Dated this 20th day of November, 2001.

It gives me great pleasure to share with my colleagues the generosity of the exceptional people in my district. I hope that we can all stand behind declaration such as this one, and pray for the speedy return of the many soldiers that are putting their lives on the line in the name of freedom. They truly represent the very essence of the red, white and blue.

PATIENT CARE INNOVATION ACT
OF 2001

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. MURTHA. Mr. Speaker, The United States is facing a serious, long-term, shortage of health care professionals. For example, the demand for nurses will exceed the supply by 2010, when the first of the 78 million Baby Boomers begin to retire and enroll in the Medicare program. Across the board, working in patient care has become more stressful and care givers are leaving their profession as more sicker and elderly patients are entering our hospitals and nursing facilities. The future therefore, will require new models of patient care and the efficient use of the skills of our increasingly scarce nurses and other health care professionals.

Care giving has always been a demanding profession. Those men and women who go into it—like those who go into teaching—do so out of commitment. Unfortunately, conditions in the work environment are making it virtually impossible for them to fulfill that commitment.

The nursing shortage has set off the alarm and the concern is appropriate. But before effective responses and solutions can be devised, policy makers need to realize that nursing and the health system have been at this crossroads before. Over the past several decades, nursing has found itself caught in a perpetual cycle of workforce shortages and short-sighted solutions that, over the long term, have failed. The result has been more demanding workloads for care-givers with sicker and more older patients and a weakened infrastructure to support patient care.

Nurses are increasingly spending more of their time away from direct medical care. From lifting and moving patients and providing hygienic care to increasing administrative support, over 40 percent of a nurse's hours are spent meeting non health related support activities. This inefficient use of nursing care has directly reduced the level and quality of patient care. Unfortunately, with operating margins the tightest they have ever been, hospitals have scaled back the number of skilled care givers and reduced the mix of qualified nursing per-

sonnel to a level where staffing ratios are inconsistent and mandatory overtime has become the necessity.

The "Patient Care Innovation Act of 2001" will lead to the establishment of new, more efficient, postures of patient care.

The legislation establishes a federally funded program of planning grants for the design, and demonstration grants for the implementation and evaluation of new innovative models of patient care delivery that provides quality patient care, recognizes and utilizes the professional competencies of nurses, and creates workplace environments conducive to nurse retention and recruitment, including care giver to patient ratios.

This is an important step. Health care providers need to fundamentally rethink the way in which they organize and deliver patient care to determine if there is a better way to deliver care for both the patient and the care giver. Nurses, health care providers and other direct care givers need to be involved in designing, testing and evaluating new and innovative models of patient care.

The development and testing of new and innovative models of patient care delivery must involve changes in organizational structures and processes; new management practices; greater nurse autonomy and involvement in patient care decision-making; more effective use of support staff; greater interdisciplinary collaboration and the expanded use of technology to reduce manual documentation and repetitive administrative tasks.

Obviously, one solution will not fit all environments. All the more reason for passage of the "Patient Care Innovation Act of 2001". A broad band of responses must be developed if we are to maintain quality patient care and stop the exodus of care givers from the health care profession.

Planning grants will be used to bring together multi disciplinary clinical and administrative teams to assess current patient care delivery systems, collect data, define work and care environment problems, evaluate new approaches and develop innovative models for delivering efficient safe and quality patient care.

Demonstration grants will be used to implement and evaluate innovative models of care to demonstrate and determine their effectiveness in providing quality patient care and increasing the professional satisfaction of nurses within various health care settings.

Health care providers are already struggling to maintain day-to-day operations under restrained payments by Medicare, Medicaid and insurance companies. Grant funding will enable providers to move forward more expeditiously to implement new methods of care while addressing the shortage of health care professionals before it reaches the crisis stage.

Patient care must remain the primary focus of our health care system. The nursing shortage will affect the health care of all Americans unless we act now to create and implement the means to ensure the highest quality of care for all patients. Ultimately, success will mean generating changes in attitudes and practices that have been entrenched in the health care system for decades.

Can the emerging shortage of health care professionals be turned around? To do so, policy makers and planners must go beyond discussing recruitment and increasing the size

of educational programs. It will mean generating changes in attitudes and practices that have been entrenched in the health care system for decades. It requires that we engage in a reevaluation of how health care professionals are educated, credentialed and employed. In particular, employers need to create professional work environments that promotes and ensures high-quality, cost effective patient care and that recognizes and rewards the contributions that nurses and other health care professionals make to the very well-being of hospitals and our health care system.

Therefore, I strongly urge all Members of Congress to join with me and sponsor passage of this critical piece of patient health care legislation.

HONORING TWO ESTEEMED RAILROAD INDUSTRY LEADERS, WILLIAM J. DRUNSCIC AND ANTHONY M. LINN, FOR CONTRIBUTIONS TO THE STATE OF TENNESSEE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. CLEMENT. Mr. Speaker, as the State of Tennessee embarks upon an initiative to create a commuter railroad system, it is most appropriate that members of the U.S. House of Representatives recognize two esteemed leaders in the railroad industry. I am speaking of William J. Drunscic and Anthony M. Linn, whose personal involvement in the concept and planning of this project have had a tremendous impact and have caused this great effort to stay on course and move forward at a constant and deliberate pace.

Mr. Drunscic and Mr. Linn began their involvement in the railroad industry in Tennessee nearly twenty years ago in March 1983. They have been recognized as leaders in the short line railroad industry for a long while. Today there are some 400 members of the American Short Line and Regional Railroad Association. In Tennessee alone there are 17 short line railroads in operation. Mr. Drunscic and Mr. Linn are either principals or share affiliations with five of the 17 short line operations in the Volunteer State.

Mr. Drunscic, a resident of Manchester Center, Vermont, and Mr. Linn, a resident of Closter, New Jersey, have indeed registered a mark on the railroad industry in Tennessee and in the United States, worthy of this recognition. As Middle Tennessee, and specifically the 5th & 6th Congressional Districts, begin to explore the opportunities of a commuter rail system, these two men will certainly be hailed for their vision and their service toward making this long standing proposition a matter of reality.

Today we congratulate and thank Mr. Drunscic and Mr. Linn for their many contributions to the railroad industry, to the nation, and to the entire State of Tennessee.

Mr. Speaker, I yield back the balance of my time.

EXPRESSING SOLIDARITY WITH
ISRAEL IN THE FIGHT AGAINST
TERRORISM

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Ms. McCOLLUM. Mr. Speaker, I rise today in support of House Concurrent Resolution 280. This resolution expresses solidarity with Israel in its fight against terrorism following the recent attacks in Haifa and Jerusalem during the weekend of December 1–2, 2001. This resolution also urges the President to ensure that Palestinian leader Yasir Arafat carries out a sustained campaign against terrorism.

In the latest attacks in this troubled region, Palestinian terrorists took the lives of 26 innocent Israeli citizens and wounded at least 175 others. Those who are responsible for these attacks have committed brutal acts of murder, and no cause can justify their actions. I wish to express my deepest condolences to all of those who have been affected by these tragic events.

As we mourn for the thousands of Americans who lost their lives in the terrorist attacks of September 11th, we also mourn for the innumerable men, women, and children of Israel who have suffered at the hands of terrorists for decades. Now more than ever, the United States and Israel are bound together in the common fight for freedom, security, and tolerance for all.

During the past 15 months of violence in the Middle East, the Palestinian leadership has turned a blind eye to terrorist activity within the Palestinian territories. Terrorist groups have actively recruited new members, planned attacks and carried out violent acts against innocent citizens with little or no fear of punishment by the Palestinian Authority.

Despite numerous commitments made by Mr. Arafat to take action against these terrorists, the violence has continued. The time has come to call on Chairman Arafat and the Palestinian leadership to demonstrate a true commitment to the eradication of terrorism in all its forms. We must insist that Mr. Arafat validate his words with real actions and a demonstrable effort to arrest, prosecute and punish perpetrators of terrorist attacks. We must make clear that we will not tolerate terrorism!

Mr. Speaker, it is clear that the current challenges to the Middle East peace process are monumental. The prospect for peace is not only contingent on the ability of the Palestinian Authority to combat terrorism, but it is also dependent on the level of commitment from the Israeli leadership. Both sides of this conflict must accept certain compromises, or peace efforts will be in vain. However, we must not abandon our vision of peace, security, and opportunity for all Israelis and Palestinians.

IN MEMORY OF MICHAEL J.
BURKE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. PORTMAN. Mr. Speaker, I rise today to honor the memory of Michael Burke, a com-

munity leader, a friend and a constituent who passed away on December 6.

Mike was a managing partner of the Cincinnati law firm of Keating Muething and Klekamp, PLL, and Chairman of the Board and Chief Executive Officer of KMK Consulting Company, LLC. He was dedicated, giving, and generous. One of the founders of the law firm, John Muething, said of Mike, "He was a true leader . . . and a constant source of energy and inspiration to others . . ." Don Klekamp, a partner of Mike's for 33 years, recalled that "Mike was an outstanding entrepreneurial business lawyer, but he was more than a lawyer to clients. He was a confidant and trusted advisor."

Very active in his community, Mike was President of Our Lord Christ the King Parish Council, President of the Education Committee, and co-chaired its Capital Campaign to build a parish center. At Ursuline Academy of Cincinnati, Mike was Chairman of the Board of Trustees, Chairman of the Long Tenn Planning Committee, and Chairman of the first Capital Campaign. In 1998, I had the honor of helping to present Mike with the Heart of Gold Award by Boys Hope/Girls Hope. He was also honored as Man of the Year by the Cincinnati Club of the University of Notre Dame.

A graduate of Newport Central Catholic High School, Mike received his B.B.A. from the University of Notre Dame and his J.D. from the University of Cincinnati, where he was a member of the Order of the Coif. He was devoted to his wife, Marcia, and their five children: Tricia, Jennifer, Michael, Brian and Anne.

A close friend, Jim McGraw, managing partner of KMK Consulting, said, "While his journey was cut short, [Mike's] incredible spirit is forever ingrained in the lives of all who worked beside him." All of us who were so enriched by Mike's energy, courage and faith will miss him.

KEEPING THE SOCIAL SECURITY
PROMISE INITIATIVE

SPEECH OF

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. STENHOLM. Mr. Speaker, I rise in strong disappointment with the rhetoric coming from both sides of the aisle on this resolution. We do a disservice to our constituents and to future generations when we bury our heads in the sand and ignore the very real financial challenges facing the Social Security system.

Everyone who has examined the financial outlook of the Social Security system understands that we need to take action to make sure that Social Security remains strong for future generations. The Commission to Strengthen Social Security is to be commended for presenting proposals which deal with the financial deficits facing the Social Security system in a responsible and forthright manner.

Those who cry foul on the Commission's recommendations have a moral obligation to tell the American people how they would address these challenges. While it is easy to criticize those who try to deal with this issue, it is far more difficult to put together a plan

that can hold up under a thorough actuarial and budgetary analysis. I would say to my colleagues who have come to the floor to criticize the efforts of the Commission that I look forward to seeing your plan to strengthen Social Security.

There is no way to eliminate the \$20 trillion unfunded liability facing Social Security without making some tough choices somewhere. Folks who insist that we must preserve benefits exactly as promised under current law must explain where the money will come from to fund these promises.

We can either make some tough choices today to honestly deal with the challenges facing Social Security or we can leave a fiscal time bomb for our children and grandchildren. I, for one, do not want my grandchildren to look back sixty-five years from now and say that if only our granddad had done what he knew in his heart had to be done when he had the chance, we wouldn't be in the mess we are in today.

RAILROAD RETIREMENT AND
SURVIVORS' IMPROVEMENT

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of H.R. 10, the Railroad Retirement and Survivors' Improvements Act of 2001. This critical legislation makes important improvements in the benefit structure for retired railroad workers, especially for widows and widowers.

In the early 1900's, the rail industry was the nation's largest employer. With record levels of unemployment, the Federal Government decided to provide economic incentives to encourage the retirement of older employees, thereby creating more jobs for younger workers.

"Railroad Retirement" was created to provide retirement benefits beginning in 1936 creating retirement incentive for many older railroad employees who otherwise would not have received Social Security benefits until 1942. This program replaced the private railroad pension plans and began to pay benefits in 1936, based on up to 30 years of past untaxed rail service.

The system is now \$40 billion short of what would be required to pay benefits to all the workers who have yet to retire and their survivors.

Congress has a responsibility to provide railroad retirees and their survivors with increased benefits, as well as making necessary changes to update and modernize the railroad employee benefit system.

To that end, I urge my colleagues to join me in support of H.R. 10. More than 670,000 retirees and dependents and 245,000 active rail employees will benefit from the improvements made by the Railroad Retirement and Survivors' Improvement Act of 2001. Please support our nation's railroad workers, rail retirees and spouses by supporting this critical reform package. Vote yes on H.R. 10.

HONORING THE SACRIFICE MADE
BY JOHNNY MICHAEL SPANN

SPEECH OF

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. EVERETT. Mr. Speaker, I join with my colleagues in the House and with the residents of my home state of Alabama in paying tribute to an American who gave his life in service to freedom.

Johnny Micheal Spann, a native of Winfield, Alabama and graduate of Auburn University, was the first American killed in the ongoing war against terrorism in Afghanistan.

Spann, who served his country for eight years in the U.S. Marine Corps before working as an intelligence officer in the Central Intelligence Agency, gave his life on November 25 at the young age of 32, leaving behind a wife and three children.

On Monday, he was laid to rest among our country's heroes in Arlington National Cemetery in a service that touched the hearts of all gathered along those hallowed hills overlooking our nation's capital.

"Mike is a hero not because of the way he died, but rather the way he lived," his widow noted. "Mike was prepared to give his life in Afghanistan because he was prepared to give his life every day at home."

I was pleased to join my colleagues in support of H. Con. Res. 281, which passed the House Tuesday, honoring Johnny Micheal Spann. I would like to extend my personal condolences to his wife, Shannon, and his family. America shares both the personal sorrow of your loss and the sense of pride for Mike's courageous and dutiful service to the nation he so loved. May God bless you all.

PAYING TRIBUTE TO SHARON
BANKS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Sharon Banks, Superintendent of the Lansing School District, for being named Michigan's Superintendent of the Year. She was selected by the Michigan Association of School Administration from our state's 600 superintendents for her energy and dedication to the district.

Hired only sixteen months ago to improve the District's substandard test scores and declining enrollment, Ms. Banks has spearheaded significant progress throughout the District. The District lost more than 3,300 students in the 1990's and has struggled to raise their Michigan Educational Assessment Program test scores.

Since arriving, Ms. Banks has launched sweeping initiatives ranging from bolstering literacy programs to keeping kids in school. Enrollment has declined much less than expected with only 30 students leaving the district between 2000-01 and 2001-02, the smallest decrease in more than a decade.

As a result of earning this distinguished award, which will be formally presented at a

ceremony in January, Ms. Banks is nominated for the National Superintendent of the Year Award.

Therefore Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Sharon Banks for earning Michigan's Superintendent of the Year.

IN HONOR OF MARGARET FELDER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Margaret Felder in recognition of her commitment to her church and women's leadership activities.

Margaret Felder was born in Lexington County, South Carolina. She is the oldest of six children. At the age of 12, her family moved to Brooklyn. Margaret is a product of the New York City Public School System. She graduated from Clara Barton Vocational High School with a major in nursing. After a short period in the nursing profession, Margaret decided to give up nursing and turn to a career in business. She has worked at Sullivan, Papain, Block, McGarath, and Cannavo P.C. for the past thirty-three years as an Administrative Assistant.

Margaret is a devoted mother to Stephanie, Claude, Monique, Ebony, her late son, Eliot, daughter-in-law Grace and grandchildren Jean-Pierre and Rayquan. She gives her loving mother, Elaine, a great deal of credit for helping her in this regard. She gives leadership to her family and is aware of the support and love from each of them.

Margaret has been a devoted member of the Berean Baptist Missionary Baptist Church. She is currently active in the Ladies Usher Board, Sunday School secretary, Youth Church Leader, Sisterhood, Summer Day Camp, American Baptist Women ministry, the Bible Institute and the Drama Ministry.

One of her favorite scriptures is Psalm 37:7 "be still before the Lord and wait patiently for him".

Mr. Speaker, Margaret Felder is a loving mother, grandmother and devoted member of the Berean Baptist Missionary Church. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable spiritual woman.

STATEMENT ON BASIC PILOT
EXTENSION ACT OF 2001

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H.R. 3030, the Basic Pilot Extension Act of 2001. This Member would like to thank the distinguished gentleman from Iowa (Mr. LATHAM) for introducing the measure and the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the Chairman of the Judiciary Committee, for his efforts in bringing this measure to the Floor.

Additionally, this Member would note that he agreed to co-sponsor H.R. 3030 but was unable to do so under House Rules as the bill had been reported out of the Committee very expeditiously.

Under H.R. 3030, the Basic Pilot Program, which is an employment verification program, would be extended through 2003, as the original authorization expired on November 30, 2001.

Mr. Speaker, the Immigration Reform and Control Act (IRCA) of 1986 correctly prohibited employers from knowingly hiring illegal aliens or people with non-immigrant visas. Unfortunately, at that time, Congress did not give employers the corresponding tools with which to comply with this Act. For example, due to concerns regarding discrimination, employers are limited in the questions they may ask of potential employees to verify if those individuals are authorized to work in the U.S. If the employment verification documents that potential employees produce appear to be legitimate, then employers must accept the documents as legitimate without further inquiry of the potential employee.

During Immigration and Naturalization Service (INS) enforcement raids, certain employers were found to have hired large numbers of illegal aliens, either knowingly or unintentionally, and subsequently they were subject to penalties. As technology has progressed to allow for the cheap and quick production of legitimate-looking fraudulent documents, the inability of employers to distinguish between valid documents and fraudulent documents has significantly increased. It became clear that businesses dedicated to complying with the IRCA needed new tools to assist with the endeavor.

When the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 was enacted, it authorized the creation of three employment verification tools, including the Basic Pilot Program. Initially, employers in California, Florida, Texas, Illinois, Florida, New York, and Iowa could voluntarily use the Basic Pilot Program to compare the information received from potential employees with Immigration and Naturalization Service (INS) databases to determine if potential employees could be employed legally in the U.S.

Mr. Speaker, throughout the 1990's, many legal immigrants and illegal aliens moved to Nebraska seeking jobs in the meatpacking industry. Subsequently, this Member began to receive contacts from businesses in his district concerned about their capacity to comply with the IRCA. Therefore, on November 30, 1999, this Member joined his House and Senate colleagues in the Nebraska Congressional Delegation in a letter to then-INS Commissioner Doris Meissner requesting the extension of the Basic Pilot Program to Nebraska. This Member continues to firmly believe that providing Nebraska businesses with the tools to hire a legal workforce is an important component in maintaining a stable economy in the State and in meeting needs to effectively enforce immigration laws in this country's interior. On March 19, 1999, the U.S. Department of Justice granted Nebraska businesses access to the Basic Pilot Program. Currently, about eight Nebraska businesses actively utilize the program.

Mr. Speaker, for Congress to allow the Basic Pilot Program to lapse following the horrific and unspeakable terrorist attacks of September 11, 2001, would demonstrate true negligence. More than ever, the U.S. must fully enforce its immigration laws to protect its citizens from future attacks. In its capacity to identify document fraud and illegal aliens, the Basic Pilot Program can indeed play a role in the fight against terrorism.

In conclusion, this Member encourages his colleagues to vote for H.R. 3030.

H.R. 3005, TRADE PROMOTION
AUTHORITY

SPEECH OF

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 6, 2001

Mr. QUINN. Mr. Speaker, I would like to convey my opposition to H.R. 3005, the Trade Promotion Authority Act of 2001. Had I been present, I would have voted "no".

American workers have felt the repercussions of fast track authority since the passage of NAFTA. Millions of American jobs have been lost since then. Over 20,000 workers in New York State have lost their jobs since 1994. My district in Buffalo, New York has been hit particularly hard. The passage of TPA will only exacerbate the dire situation the working people of Western New York are facing. Hard working Americans need trade policy that will protect U.S. jobs and stimulate the economy. This bill will not do that.

I voted against Fast Track in 1997 and 1998. I have been clear in my opposition to TPA in 2001. Unfortunately, I did not know this bill would be brought to the floor during my absence. Although I did not have the opportunity to vote, I remain steadfastly opposed to this measure and assure you that had I been able-bodied at the time, my vote on H.R. 3005 would have been "no".

TRIBUTE TO ST. CAMILLUS
ACADEMY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. ROGERS of Kentucky. Mr. Speaker, today I want to recognize, and offer my congratulations to, St. Camillus Academy of Corbin, Kentucky. This fall, the President's Council on Physical Fitness and Sports announced the state champions of the President's Challenge program for the 2000-2001 school year. And, for the second consecutive year, St. Camillus Academy has earned the distinguished State Champion Award for category one schools in Kentucky. I was exceedingly glad to learn of this award and want to take this time to recognize the students of St. Camillus for their outstanding achievement.

The President's Challenge is a physical fitness program designed to test the fitness of public school children in several activities, including sit-ups, pull-ups, and a long-distance running. Students that score at the 85th percentile or above in all categories of the Chal-

lenge earn the Presidential Physical Fitness Award. Schools statewide are recognized by the number of students that have achieved this distinction, and St. Camillus won over all other category one schools in Kentucky. Fifty percent of its students scored at or about the 85th percentile.

Mr. Speaker, this is no small accomplishment. It takes a lot of hard work and effort on the part of children today to reach a certain level of fitness and the importance of fitness as a health benefit cannot be over-emphasized. In announcing state champions, the president's council noted that there is a "growing epidemic of physical inactivity among our nation's youth." Many of our children are suffering from obesity and other ailments as a result of a lack of exercise. We must recognize that physical fitness, in addition to good grades and scholastic achievement, is an equally important component of a good education.

Mr. Speaker, it is fortunate that we, as a nation, can look to many role models for inspiration and encouragement. Of course, we can find several in athletes, professional and amateur, who have striven to achieve and overcome what seem at the time impossible odds. I believe we can include the students of St. Camillus in that category as well. As category one state champion for the State of Kentucky, St. Camillus has proven itself a model school and is deserving of our praise and recognition. Again, I wish to salute the students of St. Camillus for this wonderful achievement. Thank you.

KEEPING THE SOCIAL SECURITY
PROMISE INITIATIVE

SPEECH OF

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. FORBES. Mr. Speaker, I rise in strong support of H. Con. Res. 282, which reiterates Congress' commitment to our seniors to keep the promise of Social Security.

For years now, Congress and the public have known that Social Security would soon be facing serious financial challenges due to shifting demographics. With the aging of the baby boom generation, the number of retiring Americans receiving benefits is beginning to overwhelm the number of working Americans paying into the Social Security system. In addition, thanks to important medical advances and healthy behavioral changes, Americans are living longer. The result of these factors is that beginning in 2016, Social Security payments will exceed worker contributions into the trust funds.

This is a scary prospect for the millions of Americans who receive Social Security benefits. Many of those individuals depend upon their monthly Social Security checks to survive. As we fight our global war on terrorism, we must not lose sight of the fact that terror can come in many forms. It is every bit as frightening to an elderly man or woman that the Social Security check might be late—and far more real. Too many of these people are living from one check to the next and balancing food against medicine. As their Representatives in Congress, we should at least

provide them with the security of the promise of Social Security.

It is also a scary prospect, Mr. Speaker, for the millions of Americans who are approaching retirement. They have been paying into the Social Security trust funds because they have to, not because they believe in Social Security. In fact, numerous studies have shown that more young Americans believe in UFOs than in their future Social Security checks.

It is clear that Social Security in its current form—the form it has had since the Great Depression—is unsustainable. If we are to keep the promise that so many seniors and working Americans have relied upon for years, we must reform this program. There are many possibilities for reform, including adding personal investment options. The President appointed a commission of experts from business, think tanks, and government to explore these alternatives and to make recommendations to Congress for change. They are expected to vote on their final report today, and Congress should consider their recommendations with due deliberative speed. We must act quickly, but more importantly, we must act right.

But throughout our deliberations, Mr. Speaker, we must maintain our steadfastness to keep the promise of Social Security. We should not raise Social Security taxes and we should not cut benefits. We must use the innovative spirit that is America's hallmark to meet this challenge and find a way to strengthen and improve Social Security.

Building upon the Social Security lock box legislation that this body has already approved, this resolution lays the groundwork for our coming debate, reaffirming our commitment to Social Security's beneficiaries, in particular, the most vulnerable beneficiaries—the low-income, the women, and the minorities. I look forward to reviewing these issues with my colleagues and developing a real solution to this challenge.

I urge all my colleagues to support H. Con. Res. 282.

PERSONAL EXPLANATION

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, on Tuesday, December 11, 2001, I was detained and therefore missed rollcall votes #483, #484, and #485. Had I been present, I would have voted "Aye" on rollcall #483, "Aye" on rollcall #484, and "Aye" on rollcall #485.

A PROCLAMATION HONORING
WWVA RADIO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. NEY. Mr. Speaker, Whereas, on December 13, 2001 WWVA Radio in Wheeling, West Virginia celebrates its 75th anniversary; and,

Whereas, WWVA Radio began with a 50 watt transmitter in the home of John Stroebel

and has now grown to a 50,000 watt transmitter serving 18 states and six Canadian provinces; and,

Whereas, in January 1933, WWVA made country music history when Jamboree went live on the air. It is the second oldest live radio broadcast; and,

Whereas, for the past 75 years, WWVA has received numerous awards and has brought country music, news, and talk radio to people across the nation; and,

Whereas, from the Great Flood of 1936 to continuous news coverage of the September 11th terrorist attacks, WWVA takes pride in serving the public and looks forward to the next 75 years.

Therefore, I invite my colleagues to join with me and the citizens of the United States in thanking and recognizing WWVA for its 75 years of commendable service.

TRIBUTE TO HOLZ ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Holz Elementary in recognition of their achievement as an "exemplary" school.

Holz Elementary has been selected as one of the top 50 schools of West Virginia. "Exemplary" status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Holz Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Holz Elementary.

TRIBUTE TO ADMIRAL VERN CLARK

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. YOUNG of Florida. Mr. Speaker, I rise today to remember the 60th anniversary of the attack on Pearl Harbor. Memorably described by President Franklin Roosevelt as "a date which will live in infamy," Pearl Harbor Day has taken on added significance since September 11, when America was again "suddenly and deliberately attacked."

Last week, I had the opportunity to participate in the 60th anniversary memorial services at Pearl Harbor. Admiral Vern Clark, Chief of Naval Operations for the Navy, gave a particularly moving speech at the USS Arizona Memorial in which he honored both the survivors of that terrible day and those serving our country today around the world.

I have known Admiral Clark for many years, and his service in defense of freedom is exemplary. He could not have known when he

became CNO less than two years ago that he would soon lead our navy in a difficult conflict of uncertain length. However, he is the right man for the job, and with his dedication and that of so many of his brave sailors and pilots, we are certain to prevail in this war against terror.

Mr. Speaker, I am deeply grateful for Admiral Clark's service to our country, and I ask unanimous consent that his Pearl Harbor Day remarks be inserted into the RECORD.

ADMIRAL VERN CLARK REMARKS

Thank you Admiral Conway, Chairman Young, Congressman Abercrombie, Congressman Frelinghuysen, Secretary Higgins, Admiral Blair, Secretary Morales, flag and general officers, distinguished guests, honored survivors of the attack on Pearl Harbor, fellow Sailors, ladies and gentlemen—Good morning.

Pearl Harbor is a special place to this Nation and to the United States Navy. For 60 years now we have remembered this day.

Our ships come and go, and every ship that comes by this site renders honors to USS *Arizona*, paying tribute to this ship and the Sailors our Nation lost that day.

In the peaceful, quiet calm that enfolds this memorial this morning, it is difficult for me to imagine the shock, the chaos, the violence, the death that gripped this beautiful harbor sixty years ago—and several wars ago.

Imagine the smoke, the flames, the shattering noises, the screaming bombs, the rush of torpedoes, the broken ships and planes, and our men running to their battle stations, running to fight, and broken lives. For most of us, these things are simply beyond comprehension.

Relatively few Americans today have come face-to-face with the horrors of war. A diminishing number fought in the global war that—for the United States—began here.

There are very few, indeed, who can say, "I was at Pearl Harbor." Yet such men are among us here today, and they honor us with their presence—the Pearl Harbor Survivors.

By my best count there are 21 of you here today—representing the hundreds who will be in Hawaii for this commemorative event. I want to thank you for coming. But even more so, I want to thank you for your great service to our country. I want you to know that I am very proud to be part of a generation that simply followed you. Collectively, we all salute you this morning.

There are few phrases in the English language that evoke awe, that connote a truly special meaning. But, such is the case with the phrase, "I was at Pearl Harbor."

There is no need for a survivor to say the date—it is branded forever in our national memory. As our President at the time said, it is a date that "lives in infamy."

For those of us who lived in the last half of the 20th Century, it is a date that stands out in American history. It is unique. "Before Pearl Harbor" was quite literally a different era than "after Pearl Harbor." Every American learns the Pledge of Allegiance—every American is taught about George Washington—every American knows about Pearl Harbor. What happened here profoundly altered our national experience. It is part of who we are as a people.

This morning, we come to this place—again. We gather to pay homage to the heroes of a war long over. As we come this time, we are at war again—our homeland attacked.

As we pause to commemorate the bravery and sacrifices of these shipmates, we draw strength from the world-changing events of Sunday, December 7th, 1941—especially here

at USS *Arizona* where so many Sailors and Marines are entombed. In this solemn memorial, I am reminded of the words spoken during an earlier war, a terrible civil war. President Lincoln said, "From these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion."

Freedom—Government of the people, by the people, for the people—these are the most important treasures for those who live in the land of the free.

Freedom and democracy are an inheritance, hard-won by past generations for us to enjoy.

But freedom and democracy are also the unfinished work that is left for us to defend, to carry forward, and to hand down to future generations. Now we are at war with enemies who hate freedom and democracy. They want a society of coercion. They want a political order of force. Their brand of tyranny is willing to resort to terror, and the slaughter of innocents.

The Americans of 1941 answered the call. Today, Americans are doing so again. It's our turn. It is time for us to rededicate our lives to the cause of freedom, so that children in our nation and others will enjoy the fruits of freedom.

We citizens of the United States have a profound responsibility to protect this Nation, the self-evident truths on which it was founded and the Constitution under which it has flourished. In this mission, we act not only for ourselves and our society, but in the concert of many nations—including our now close ally, Japan, and the community of nations that recognize the free world must stop the threat posed by this recent version of terror. Together let us stay the course.

In 1941, the attack on Pearl Harbor was followed by grim months of defeat and frustration in the Pacific until the Battle of Midway in June 1942. It was more than three tough years before victory was sealed on board USS *Missouri*, moored just a few hundred yards away.

As with that struggle, this new war is likely to be long and challenging. To win, we must show the same dedication and fortitude that our forefathers displayed during the Second World War. I have every confidence that we will do so.

On 11 September, your Navy and Marine Corps team was ready. Your Fleet was ready to respond to the orders of the President and the whole Congress. We were ready to fight and we are winning today.

Today's young Americans, young Sailors, young Marines—along with their comrades in the Army, and Air Force and Coast Guard—they are as dedicated, as brave, and as determined as their predecessors. They are as equipped, with the example of fortitude and determination that grew from Pearl Harbor. They are motivated by your examples of service and heroism. They cherish the stories of the greatest generation. They, like you, are carrying the banner of freedom throughout this world.

Many of them are over there right now, afloat and ashore, taking the fight to our enemies. Many are on watch elsewhere in other distant parts of the world. Many are getting ready to go, as their President asked them to do. These young people, of whom I am so proud, are all doing a magnificent job.

With the steadfast support of the American people and our friends around the world, the Soldiers, Sailors, Airmen, Marines and Coast Guardsmen of this generation will do their part to win this war, to secure the blessings of liberty for ourselves and our children and generations of Americans yet to come—just like you did.

To the memory and legacy of those who made the ultimate sacrifice, to those resting

in this hallowed place, we extend again the thanks of a grateful nation. We extend the promise that their sacrifice will be honored. All of us who serve and wear the cloth of the nation today—we commit, we promise anew to do our duty so that America will remain the beacon of hope, the lighthouse of freedom, and the bastion of liberty. We make this promise in the memory of those who served and gave their lives in this place.

TRIBUTE TO JERRELL NORWOOD

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. ROSS. Mr. Speaker, I was saddened recently to learn of the death of a respected and admired individual in my congressional district, Mr. Jerrell Norwood, of Malvern, Arkansas, who lost a courageous battle with cancer at age 64. Today, I wish to pay tribute to his life and achievements.

Jerrell Norwood spent much of his adult life serving his fellow citizens, and his accomplishments were numerous. For over a decade and a half, Jerrell served as County Fire Coordinator and Director of the Office of Emergency Management for Hot Spring County in Arkansas. He was a long-time volunteer and board member with the local Red Cross. For twenty-one years, he served as the first and only Ouachita Fire Chief, and he spent many years on the Resource Organization Service Excellence (R.O.S.E.) Board, a group dedicated to helping needy citizens.

During his career, Jerrell was responsible for building or improving nearly all of the bridges in Hot Spring County, and in 1994, he helped establish a water rescue for users of the nearby Ouachita River. His accolades include being a two-time Volunteer of the Year for Hot Spring County as well as being named Emergency Coordinator of the Year in 2000.

Jerrell Norwood was regarded with esteem and appreciation by all those who knew him well. His friends, neighbors and co-workers alike praised not only his ability to quickly assess and tackle an emergency situation, but more importantly his energy, dedication, common sense and genuine compassion for helping others. He was truly a man of integrity who gave himself to his work and his community. While his passing is a tremendous loss to the Malvern community and our state, his life and legacy of public service will be remembered for years to come.

I extend my deepest sympathies to his wife, Carolyn, his children, and all his family and friends during this difficult time.

TRIBUTE TO WEBERWOOD
ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Weberwood Elementary in recognition of their achievement as an "exemplary" school.

Weberwood Elementary has been selected as one of the top 50 schools of West Virginia.

"Exemplary" status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Weberwood Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities.

Mr. Speaker, I urge my colleagues to Join me in honoring Weberwood Elementary.

TRIBUTE TO DR. STERLING
ALEXANDER ROAF, SR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. ROSS. Mr. Speaker, I wish to pay tribute to the life and accomplishments of a constituent and friend, Dr. Sterling Alexander Roaf, Sr. who passed away recently in Pine Bluff, Arkansas.

A native of Pine Bluff, Sterling Roaf, Sr. was one of nine children born to Rev. Arthur Roaf and Charlotte Boughton Roaf. After graduating from Southeast Senior High School in 1962, he spent two years working on the Cotton Belt Railroad. In 1966, he graduated with honors from the University of Arkansas at Pine Bluff. He obtained his medical degree from Meharry Medical College in Nashville, Tennessee, in 1972 and moved to Los Angeles to complete his residency at Martin Luther King Hospital.

Following his residency, Sterling returned to Pine Bluff in 1976 where he established the Roaf Clinic with his brother Clinton Roaf, a dentist, and practiced obstetrics-gynecology until his death. In 1998, he was recognized by the Arkansas Times as one of Arkansas' Best Physicians in gynecology, obstetrics, and oncology. According to his brother, Sterling delivered some 600 infants a year. He truly brought into the world an entire generation of children and touched the lives of countless others in the Pine Bluff area, and he will be greatly missed by the thousands of patients and families who were impacted by his caring and dedicated work.

Sterling Roaf Sr. was not just a great doctor. He was an active and giving member of his community, a devoted member of the church, and a loving father and grandfather. My heart goes out to his children, his brother and five sisters, and all of his friends and relatives in their loss.

TRIBUTE TO ROBIN HIGGINS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. YOUNG of Florida. Mr. Speaker, I rise today to remember the 60th anniversary of the attack on Pearl Harbor. Memorably described by President Franklin Roosevelt as "a date

which will live in infamy," Pearl Harbor Day has taken on added significance since September 11, when America was again "suddenly and deliberately attacked."

Last week, I had the opportunity to participate in the 60th anniversary memorial services at Pearl Harbor. I was particularly struck by a moving speech given at the National Memorial Cemetery of the Pacific by Robin Higgins, Undersecretary for Memorial Affairs in the Department of Veterans Affairs. Secretary Higgins, from my home state of Florida, was herself a victim of terrorism when her husband, Marine Colonel Rich Higgins was murdered in Lebanon 13 years ago. She and her husband have dedicated their lives in service of this country, and they are two true American heroes.

Mr. Speaker, as we remember the brave survivors of Pearl Harbor and the men and women serving in our military around the world, I salute Rich and Robin Higgins, and I ask unanimous consent that Secretary Higgins speech be inserted into the RECORD.

The Honorable Robin Higgins, Under Secretary for Memorial Affairs, U.S. Department of Veterans Affairs

KEYNOTE ADDRESS PEARL HARBOR SURVIVORS,
60TH ANNIVERSARY

DECEMBER 7, 2001 THE NATIONAL MEMORIAL
CEMETERY OF THE PACIFIC

Medal of Honor recipients Mr. Hayashi, Mr. Kellogg and Mr. Firin; Congressman Bill Young from my great state of Florida; Congressman Neil Abercrombie from the great state of Hawaii; Congressman Rodney Frelinghuysen, from the great state of New Jersey; Chairman Myers; distinguished military and civilian guests; most honored members of the Pearl Harbor Survivors Association; World War II veterans; and all fellow veterans and their families . . . Good morning, and thank you Gene for that kind introduction.

I want to add a special acknowledgement of some special visitors with us today from New York who are here as guests of the State of Hawaii—325 family members of men and women who were lost in the World Trade Center on September 11.

Secretary of Veterans Affairs, Anthony Principi, had very much hoped to be here—and were it not for extraordinary events in Washington, he would have. But he asked me to send you his best wishes. I appreciate and am humbled by the opportunity to represent him and the more than 219,000 men and women of the Department of Veterans' Affairs who stand ready to honor your service to America.

Few occasions merit words like "horrific," "devastating," and "tragic." Fewer still cause a speaker to follow those superlatives with words like "magnificent," "awesome," or "heroic." Yet today—as I stand here in this most sacred of places, this shrine to the sacrifices of so many honorable men and women—I am struck by the notion that what happened on this morning 60 years ago brings into play all those words and probably more.

Let me say that I do not believe we need to replay the events of that morning; I am convinced that no movie, no documentary made today, no well-meaning attempt to recreate for today's generation the horrific events of December 7, 1941, can ever do justice to what you as survivors already know . . . already lived through . . . already redeemed through your own selfless service to America.

I take my cue from the words of Abraham Lincoln who stood on the soil of a great battlefield in 1863 and said, ". . . we cannot dedicate—we cannot consecrate—we cannot hallow—this ground. The brave men, living and

dead, who struggled here, have consecrated it far above our poor power to add or detract.”

Here on the gentle slopes and broad fields of Puowaina, rest the heroes of another tumultuous conflict. As magnificent as any National Cemetery could be, it is but a humble gift from a grateful nation to honor those of you who stood for—and those who fell for—freedom that Sunday morning. But it does not pay the full tribute due to the sacrifices offered up on December 7th.

Pearl Harbor . . . NAS Kaneohe . . . Ford Island . . . Battleship Row . . . Hickam Field . . . Wheeler Field . . . Scofield Barracks . . . the Arizona . . .; these were the grounds that were truly hallowed by your sacrifices, consecrated by your blood, and dedicated to your bravery and to the bravery of your friends and countrymen.

Your lives were forever changed by an event so devastating that it would not be for another 60 years—September 11, 2001—that America would again feel the tragic shockwaves of an attack on our home soil.

Perhaps the events of September 11 resonated in your lives in ways that did not resonate among other, younger Americans. Having lost my husband, Marine Colonel Rich Higgins, to a violent act of terrorism 13 years ago in Lebanon, I felt the old wounds . . . still pink from healing . . . open up again when I saw the Trade Center in flames, and the Pentagon—my former duty station—torn asunder.

It is possible, then, that on September 11th, old scars of the heart and mind were once again exposed among your generation of soldiers, Marines, sailors, airmen and coastguardsmen.

But I know and you know this: these two seminal events—December 7th and September 11th—struck America hard but they did not bring her down. No terrorist—no early morning raiding party—has the power to overcome the will and determination of the American serviceman or woman.

I am reminded of a recent editorial cartoon of the Statue of Liberty in which a stern-faced Lady Liberty is cradling a child in her arms. The caption reads, “No one comes between a mother and her children.” How true that is for our Nation and for the men and women who, for 225 years, have risen in her defense in the face of the greatest personal risk.

Today is a good day to take a clear look at both our past and our future. It is a day when we acknowledge the debt we owe to those men and women who—because they so cherished peace—chose to live as warriors.

Could anything be more contradictory than a warrior's life? Warriors love America, but they spend years on foreign soil far from home. They revere freedom, but they sacrifice their own. They defend our right to live as individuals, yet yield their individuality for the cause. They value life, yet so bravely ready themselves to die in the service of our country.

But why are some Americans so seemingly willing to fight and, it need be, to die? We fight because we believe. Not that war is good, but that sometimes it is necessary. Our soldiers fight and die not for the glory of war, but for the prize of freedom.

On that December morning, many of you took up a torch that you would not put down for four long years. You valued freedom, and you were willing to sacrifice for it.

And through your selfless sacrifices, you guaranteed a lifetime of liberty to your families, your communities, and your Nation.

It is fitting and proper, then, that those of us who've worn the uniform remember our brothers and sisters, mothers and fathers, sons and daughters—but it is crucial that we

share what we feel today with those who have never taken that special risk for their country—so that they may understand.

Soldiers, Marines, sailors, airmen, coastguardsmen, World War Two Merchant Mariners and veterans understand the duty to country that causes a man or woman to risk his or her life to try to make a difference. There is nothing that can take the place of that selfless devotion.

My husband used to have a small plaque on his desk; it's on nine now and it says: “War is an ugly thing, but not the ugliest of things; the decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. A man who has nothing for which he is willing to fight, nothing he cares about more than his own personal safety; is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself.”

There is a fabric that weaves people of conscience through the ages and around the world. That fabric is bound with the moral and spiritual lineage of men and women of honor, courage and integrity; those who value something more than their own personal safety.

Bound into this fabric are the lives and loves of soldiers and their families from all times, those who came home and those who didn't and those whose fate remains unknown.

The Courts of the Missing here at the National Memorial Cemetery of the Pacific are inscribed with the names of more than 28,000 missing soldiers, Marines, sailors, airmen and coastguardsmen whose names are held in honor along with the more than 38,000 servicemen and women who lie at sacred rest among us today.

Heroes all, they speak to us of patriots' hopes and patriots' dreams, of lives lived to the fullest measure, lives nobly offered as payment for the fabric of a free society.

It is popular today to speak of the Greatest Generation—your generation, the generation of my father, who also served in World War II—but I think the phrase ignores a basic truth about Americans.

I believe every generation of Americans has been, is, and will be, great. We all have the potential for greatness, if by greatness it is meant that in times of trial, we will meet the challenges of the times with honor, dignity, arid sacrifice.

But make no mistake; let those who would terrorize us today remember the fate of those who violated our shares once before. And let the 9-11 generation carry the torch of courage and determination you carried in order to rid the world of the evil of the 21st century.

The colonists who fought for liberty in 1776, the citizens who defend a new nation in 1812, the families torn apart by Civil War, the green troops of the Allied Expeditionary Force, the 16 million men and women who wrested freedom from evil during World War II, the Korean War soldiers and their Vietnam colleagues, the young men and women of Desert Storm and, today, the troops fighting to bring terrorist to justice and justice to terrorists.

If we consider that each of these generations of Americans stood firm against the whirlwinds of tyranny to secure liberty for their times and their posterity we must call them all great.

But the generation of the men and women who survived here 60 years ago does merit a special measure of thanks for your contributions to America.

You returned from the battlefield, put aside the tools of war, and took up the tools of industry and technology, of medicine, of

science and education, an of community service. In return for all you had accomplished in war—a many of you carried the evidence of sacrifice still fresh on your bodies—you asked only to return to the peace, to the lives and loved ones you left.

And by your humble example you inspired our Nation to move forward on its path to a righteous destiny. Your contribution will not be forgotten. Your generation's greatness will be treasured and remembered.

Such a contribution should be sufficient for one generation—but I don't believe your contribution is yet complete. The next generation will need guidance . . . the next generation will undoubtedly face new challenges and they will wonder how to face those challenges with the courage and strength of character that is the hallmark of your generation.

I encourage our beloved World War II generation, and all our veterans, to share with your children and your grandchildren—with students and scholars and historians—the experiences of your service to America. You have a story to tell . . . you have thousands of stories to tell . . . and in the telling will be the inspiration for the next generation's response to tomorrow's challenges.

Pearl Harbor survivors specifically—have a unique perspective on this kind of brutal assault on America. You can help the rest of us better understand and come to terms with the values that are threatened and the resolve we must have to overcome our fears.

I am honored to share this day with you . . . and to be here in a place that speaks of the Nation's commitment to recognize the sacrifices of those patriots who were ready to give the last full measure of devotion so that we could gather in peace.

May God continue to bless our Pearl Harbor survivors, our World War II veterans, their families, indeed all our Nation's veterans and—especially today those in harm's way. And though I might conclude by asking God to bless America, I need not. Because of you, he already has.

Thank you.

TRIBUTE TO CHAMBERLAIN ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Chamberlain Elementary in recognition of their achievement as an “exemplary” school.

Chamberlain Elementary has been selected as one of the top 50 schools of West Virginia. “Exemplary” status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Chamberlain Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Chamberlain Elementary

COMMEMORATING WORLD HUMAN RIGHTS DAY AND CONGRATULATING TAIWAN'S ELECTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. LANTOS. Mr. Speaker, on December 10th this nation and the global community will observe World Human Rights Day 2001.

World Human Rights Day provides an opportunity to focus the attention of the international community on the most fundamental issue to all of mankind. It is a day of celebration for those, like me, who were liberated and a day of remembrance for those who still live under oppression. Human rights and democracy are like two sides of the same coin—it is impossible to have one without the other. The Republic of China on Taiwan is an example of a democratic nation which fully observes human rights for all of its people. On December 1, Taiwan held a major round of free and fair elections in which every office was contested and competition was fierce. With the strengthening of Taiwanese democracy comes the strengthening of Human Rights for the people of Taiwan.

On the eve of last years World Human Rights Day, President Chen Shui-bian of Taiwan attended a ceremony at the human rights memorial on Green Island, Taiwan. President Chen pledged then to observe the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights as well as the guidelines from the World Conference on Human Rights in Vienna. President Chen's remarks indicate a serious movement to bring Taiwan back into the international community of human rights observers by recognizing the sanctity and universality of human rights.

Earlier this year, Taiwan's Minister of Foreign Affairs, Dr. Hung-mao Tien elaborated on Taiwan's "Human Rights Diplomacy" announcing to the International Conference on National Human Rights Commission held in Taipei that it is Taiwan's intention to fully participate in international human rights activities such as the Asia-Pacific Forum of National Human Rights Institutions. Moreover, Taiwan wisely recognizes poverty and lack of access to basic social services as violations of fundamental human rights. Minister Tien said in his speech in Taipei that Taiwan is generously using its economic strength to put together an effective set of international cooperation programs designed to help developing nations overcome problems associated with poverty and underdevelopment.

On World Human Rights Day 2001, I applaud Taiwan's achievements and continuing efforts to observe human rights. I hope that other countries will follow Taiwan's excellent example by committing their resources to democratization and improvement of human rights.

NATIVE AMERICAN CULTURAL CENTER AND MUSEUM AUTHORIZATION ACT

SPEECH OF

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in support of the development and construction of the Native American Cultural Center and Museum in Oklahoma City, Oklahoma. The Great State of Oklahoma is home to 39 tribal governments. According to the 2000 Census, Oklahoma is home to a population of more than 380,000 tribal members.

Historically, prior to its becoming Indian Territory, Oklahoma was home to five tribes that are considered indigenous to Oklahoma—the Osage, Caddo, Kiowa, Comanche, and Wichita. All other tribes were removed from their ancestral homelands to Oklahoma during the period referred to as the "Indian Removal". The most noted removal was that involving the Cherokees, which is referred to as the "Trail of Tears".

The 39 Indian nations of Oklahoma each have their own distinct culture, traditions, history, and language. This uniqueness should be celebrated. By passing H.R. 2742, we will be able to properly honor and preserve the rich history, culture, and legacy of the American Indian.

I urge my colleagues to join me in supporting the passage of this very important piece of legislation.

IN MEMORY OF JEFFREY THOMAS CLAPPER

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. REGULA. Mr. Speaker, on behalf of the members of the 107th United States Congress, I wish to offer heartfelt condolences to the family and friends of Jeffrey Thomas Clapper.

He was an outstanding member of his community, a much loved son and friend. He will be truly missed by all who knew and loved him.

His generosity and profound sense of duty left a lasting impression on all those who knew him, and his personal sacrifices of time and energy to his country, his community, his family, and his friends stand as testament of an exceptional human being.

Jeffrey Thomas Clapper was born on June 28, 1967, the son of Thomas and Judith Clapper. A graduate of Hoover High School and Walsh University, Clapper served his country as an Orthotic Specialist in the United States Air Force and his community as a registered nurse and as an EMT with the Greentown Volunteer Fire Department. In each of these roles, Clapper embodied civic virtues we should all strive to meet.

In light of the tragic loss of this outstanding citizen, I offer my deepest sympathy to his family and friends.

TRIBUTE TO WINFIELD H.S.

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Winfield High School in recognition of their achievement as an "exemplary" school.

Winfield High School has been selected as one of the top 50 schools of West Virginia. "Exemplary" status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Winfield High School for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities.

Mr. Speaker, I urge my colleagues to join me in honoring Winfield High School.

IN MEMORY OF THE HONORABLE ROBERT HYDER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Robert Hyder, former mayor of Jefferson City, Missouri. He was 91.

Robert Hyder was born on February 26, 1910, in West Plains, Missouri, a son of L. M. and Mae Hyder. He was married May 18, 1957, to Ruth Lockwood. Robert graduated from Drury College with a degree in geological engineering and from the University of Texas with a law degree. During World War II he served in the Navy as a frogman.

After graduation from law school, Robert served as assistant state attorney general in Missouri and as assistant U.S. attorney general. He then went to work for the Missouri Highway Commission retiring as chief legal council after 23 years of service. Robert then started a private law practice in Jefferson City before deciding to run for mayor.

Robert Hyder served as mayor of Jefferson City for four years, beginning in 1975. His colleagues remember Robert as, "one of the finest mayors I ever worked with" and "a real people person." After leaving office, Robert served on the Cole County Industrial Development Authority board. He was also head of the V.F.W. and the American Legion in West Plains. As a commemoration to his work as mayor, the Jefferson City Housing Authority dedicated the Robert Hyder Apartments and Addition.

Mr. Speaker, Robert was a valuable leader in his community and will be missed. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Ruth, and his children, Robert and Mary.

PERSONAL EXPLANATIONS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. CAPUANO. Mr. Speaker, on Tuesday, December 11, 2001, due to an illness I was unable to travel to Washington and was therefore unable to cast votes on rollcall Nos. 483 through 485. Had I been present, I would have voted in the following manner: "yea" on rollcall No. 483; "yea" on rollcall No. 484; "yea" on rollcall No. 485.

I ask unanimous consent that the CONGRESSIONAL RECORD reflect my intended votes. Furthermore, Mr. Speaker, I ask that record reflect that I am a cosponsor and strong supporter of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. FOSSELLA. Mr. Speaker, on rollcall Nos. 483, 484 and 485. I was in the hospital with my son.

Had I been present, I would have voted "yes" on all three.

TRIBUTE TO HIGHLAWN
ELEMENTARY**HON. SHELLEY MOORE CAPITO**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Highlawn Elementary in recognition of their achievement as an "exemplary" school.

Highlawn Elementary has been selected as one of the top 50 schools of West Virginia. "Exemplary" status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Highlawn Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Highlawn Elementary.

KEEPING THE SOCIAL SECURITY
PROMISE INITIATIVE**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. STARK. Mr. Speaker, I rise today in favor of House Concurrent Resolution 282, Keeping the Social Security Promise Initiative.

I support this resolution because I believe that Congress needs to pass a Social Security reform plan that protects the current program. That means I will support reform plans that protect Social Security's guaranteed lifetime benefits, maintain its yearly COLAs, strengthen its important anti-poverty role and improve its protections for low-income earners, minorities and women.

This resolution is very timely. Yesterday, the President's self-appointed Commission to Strengthen Social Security released its final report on Social Security reform. It recommended three plans all of which reduce Social Security benefits in order to divert money to create individual accounts.

Today's Resolution puts this Congress on record as rejecting the President's Commission to Strengthen Social Security recommendations—which include benefit reductions—and hopefully provides the Congress with starting point for reform.

If President Bush and the House Majority are serious about reforming Social Security, they should sit down and engage in an honest debate with representative of all parties to arrive at an outcome that makes the current Social Security system solvent for generations to come while not cutting Social Security benefits.

As Congress acts on Social Security reform, I urge Republicans to keep their "Social Security Promise" by protecting Americans' Social Security benefits for current and future retirees.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. CROWLEY. Mr. Speaker, I would like to speak out of order on Rollcall Nos. 483, 484, and 485, which occurred yesterday on December 11, 2001. Unfortunately, due to circumstances beyond my control I was unable to be here to vote on the following bills. I would like to take this opportunity to record for the record that I would have voted yes on:

H.R. 10, the Railroad Retirement and Survivors' Improvement Act of 2001 which will provide benefits to railroad employees and their beneficiaries;

H.R. 3282, honoring former Senator Mike Mansfield by designating a Federal Building and U.S. Courthouse in his honor; and

H. Con. Res 281, honoring the great sacrifice of Johnny Michael Spann, the first American killed in combat in the war against terrorism.

SIEMENS WESTINGHOUSE SCIENCE
AND TECHNOLOGY COMPETITION**HON. CAROLYN McCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Shira Billet and Dora Sosnowik, two seniors from Stella K. Abraham High School for Girls in the Fourth Congressional district of New York.

These two teens have accomplished an amazing feat. On December 4, they were awarded the top team prize of \$100,000 in the Siemens Westinghouse Science and Technology Competitions. Their ingenious project was the development of a Viscometer to measure the consistency of ultra-thin lubricants. Their achievement is bound to affect the fields of micro-electronics and medical therapy, specifically in the treatment of arthritis patients.

The Westinghouse Competition is administered by The College Board and funded by the Siemens Foundation. It recognizes achievement and invention in the fields of science and technology, and allows high school students to receive national recognition for their research projects. Awards are given to individual and team projects in scholarship amounts ranging from \$10,000 to \$100,000.

I admire Shira and Dora for many reasons, the first of which is their ability to research, develop and apply such a spectacular invention at the ages of 16 and 17. The two girls have shown high levels of intelligence balanced with concern and dedication to the betterment of their community. Their participation in the Westinghouse research program was just a small part of their busy schedule. Both Orthodox Jews who observe the Saturday Sabbath, Shira and Dora maintain a packed academic and extra-curricular schedule. Attendance at the Abraham School is from 8:30 a.m. to 5:00 p.m., where emphasis is placed on a combination of academic and religious studies. The girls are also co-editors of the school yearbook.

The research program at the Abraham School is relatively new, created just two years ago. Shira and Dora were advised by their chemistry teacher, Rebecca Isseroff, and supervised by Professor Miriam Rafailovich, director of the Garcia Center for Polymers at Engineered Interfaces at SUNY Stony Brook.

I know this prestigious honor is a precursor of things to come. Long Island can expect great things from Shira Billet and Dora Sosnowik. I congratulate and thank them for what they have done and will continue to do for our community.

TRIBUTE CONNER STREET
ELEMENTARY**HON. SHELLEY MOORE CAPITO**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Conner Street Elementary in recognition of their achievement as an "exemplary" school.

Conner Street Elementary has been selected as one of the top 50 schools of West Virginia. "Exemplary" status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Conner Street Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Conner Street Elementary.

AMEND TITLE 49 OF THE UNITED STATES CODE SO AIRPORT SCREENING PERSONNEL CAN BE U.S. CITIZENS OR NATIONALS

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation to amend Title 49 of the United States Code so that the airport security screening personnel referred to in Section 44935 of that Title can be U.S. citizens or nationals.

American Samoa is the only place in the United States in which persons born of non-U.S. citizen parents acquire the political status of U.S. national, as opposed to that of U.S. citizen. According to the most recent data available, only 5.7 percent of American Samoa's population are U.S. citizens, with the vast majority being U.S. nationals.

Enactment of the Aviation and Transportation Security Act into law last month added a requirement that all security screening personnel at airports be U.S. citizens. While I understand and strongly support Congressional intent to improve the quality of the security screening of baggage being put aboard commercial aircraft, I do believe the issue of U.S. nationals should be considered as part of the recent change.

The U.S. nationals from American Samoa have a 100-year history of service to the United States. Just like citizens, these Americans owe their allegiance to the United States and have repeatedly demonstrated their allegiance in important ways. They are not foreign nationals, yet because of this one criterion placed on the hiring of security screening personnel, they will be treated as foreigners if this new requirement added in the Aviation and Transportation Security Act is not amended.

With such a small number of U.S. citizens available in the American Samoa work force, the requirement in the Aviation and Transportation Security Act that security screening personnel be U.S. citizens also greatly reduces the pool of prospective employees. As a practical matter, this will be to the detriment of airline security on all flights within the region, thereby reducing, rather than increasing, security of the traveling public.

Mr. Speaker, I see this amendment as a technical change to the law, and look forward to prompt passage so that security at the airport in American Samoa will remain strong.

HOMELESS VETERANS COMPREHENSIVE ASSISTANCE ACT OF 2001

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in strong support of H.R. 2716, the

Homeless Veterans Comprehensive Assistance Act. Homelessness remains a prevalent problem among veterans, with roughly one-third of the total homeless population consisting of veterans. With this legislation, we will take a needed step in addressing this problem as we are all aware that more needs to be done to help these men and women get back on their feet.

It is a familiar principle among veterans in our Armed Forces that we do not leave our wounded behind. Homeless veterans are our wounded, and we are leaving them behind. The VA has reported there were about 345,000 homeless vets in our country in 1999, and there will yet be even more homeless veterans as we experience this economic downturn.

This bill sets a national goal to end homelessness among veterans within 10 years. Who is opposed to that? The bill provides funding, authorizes 2000 additional Housing and Urban Development (HUD) Section 8 low-income housing vouchers over four years for homeless veterans in need of permanent housing and who are enrolled in health care provided by the Veterans Affairs Department. The bill contains funding increases for a number of existing veterans homeless programs. It will establish a demonstration program to provide information, including referral and counseling services, to incarcerated veterans and veterans in long-term institutional confinement to assist in their reintegration into their communities.

As we continue to address the needs of our Nation's veterans we should heed the words of President Lincoln who called on all Americans "to care for him who shall have borne the battle." I urge my colleagues to support this important legislation.

TRIBUTE TO CONFIDENCE
ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mrs. Speaker, I rise today in honor of Confidence Elementary in recognition of their achievement as an "exemplary" school.

Confidence Elementary has been selected as one of the top 50 schools of West Virginia. "Exemplary" status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Confidence Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Confidence Elementary.

BILL OF RIGHTS CANNOT BE THE
NEXT VICTIM OF TERRORISM

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. WOOLSEY. Mr. Speaker, the terrorist attacks on September 11 struck fear in the heart of every American. Today, we continue to fight a war against terrorism on two fronts—in the mountains of Afghanistan and on the main streets of the United States. The first is a more traditional war against soldiers and war machinery; the second, a war against domestic terrorism.

Within days of the attacks, Congress passed a Homeland Security Bill that included the so-called "Patriot Act." The Patriot Act allows the government to increase its use of wiretaps and surveillance, and enhances its ability to trace e-mail and Internet usage. I voted against the Patriot Act because it intrudes unnecessarily on our civil liberties. We had adequate police and intelligence systems available to prevent 9/11, but they were not used effectively. The inadequate use of these resources is no reason to trample our freedoms.

The Bill of Rights, civil rights and civil liberties must not be the "other victim" of terrorism. As the domestic war against terrorism continues, my concern is that "increased police power" will encroach on our liberties.

In the past month, Attorney General John Ashcroft issued rules to allow the FBI to eavesdrop on communications between attorneys and their clients who are suspected terrorists, ordered prosecutors to interview over 5,000 young, mostly Middle Eastern men in the United States, and supported a system of secret military tribunals that could be used to try alleged accomplices in the September 11 attacks.

Members of Congress and eight former high-ranking FBI officials have questioned the effectiveness of Attorney General Ashcroft's plan to fight terrorism. The tactics that he is proposing are not new. By interviewing over 5,000 mostly Middle Eastern men to gather information about terrorists, he is merely recycling the same "preventive" intelligence-gathering techniques that were rejected in the late 1970s because they did not prevent terrorism and in fact, led to abuses of civil liberties.

In the 1950's and 1960's, FBI Director J. Edgar Hoover used "Red Squads" to collect massive amounts of "preventive" intelligence to deter terrorist attacks. The "Squads" were criticized for abusing civil liberties and they were seldom effective. Because the majority of preventive intelligence investigations did not lead to criminal cases, most terrorist activities went unsolved and most of the terrorists were not apprehended. There is no reason to return to a system that didn't work and has a track record of failure and abuse.

Attorney General Ashcroft wants terrorist suspects to be tried by secret military tribunals. Conducting the tribunals in secret with the possibility of imposing capital punishment by a mere two-thirds vote, is an infringement of our civil liberties. It also undermines our system of checks and balances. Our Democracy retains its integrity in large part because no single branch of government overwhelms another. The military tribunals circumvent the

role of oversight control granted to Congress in the Constitution, and allow too much power to the Executive branch.

The strength of the United States does not rest entirely on our overwhelming military superiority. Our country's strength lies in its moral authority, its reliance on the rule of law, and its belief in democracy. The ideals stated in our Constitution and Bill of Rights resonate throughout the world. It is our strength as a just, fair and transparent society that has made us a superpower, and these are the ideals that will ensure our world preeminence in the future.

Just as we cannot win the battle against terrorism in Afghanistan with purely military options, we cannot improve homeland security by infringing on our freedoms. The Bill of Rights cannot be the next victim of terrorism. We will eventually win the military intervention against terrorism, but we cannot lose our national character in the meantime. Fear should not guide our decisions or cloud our judgment. Fear must not muffle the voice of freedom.

THIS WEEK WE COMMEMORATE
HUMAN RIGHTS WEEK

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, this week, we commemorate Human Rights Week. On December 10, 1945, haunted by the cruelties uncovered throughout the Second World War, a group of U.N. delegates, including first lady Eleanor Roosevelt, joined together in San Francisco to write what has become the internationally recognized standard for the protection of human rights, the Universal Declaration of Human Rights.

The opening paragraph of the Universal Declaration of Human Rights refers to the "inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world." These words are a reminder to us all that when one people suffer, we all suffer. When one group is oppressed, it erodes the fabric of humanity and, thus, endangers the freedom and liberty of all. These words are a call for vigilance and action.

The struggle for the protection of universal freedoms has always been an arduous one and this year has presented new challenges and hardships, but also opportunities, for those of us in the human rights community, which have only served to strengthen our resolve.

A truly disappointing turn of events was the exclusion of the United States from the United Nations Commission on Human Rights aggravated by the participation of such abominable human rights violators as China, Sudan, Libya, Cuba, and Vietnam. This increased concerns that the continual imprisonment of human rights defenders would go unnoticed despite international pressure for their release.

In the aftermath of the September 11th attacks, as the U.S.'s values of liberty and democracy came under attack, the world once again recognized the need to focus on the plight of oppressed people everywhere. It is my hope that we are ushering in a new era in the human rights struggle marked by a renewed commitment and understanding.

Noting the overwhelming support given to the Afghan people in their battle to free themselves from the shackles the Taliban imposed on them, I am filled with hope and optimism about the future.

As a refugee from an oppressive regime, the struggle for freedom is central to my commitment to human rights. I stand today during Human Rights Week, in admiration and gratitude of those who have perished and currently languish in suffering because they choose to fight for the values of freedom and democracy in their own country. Today we honor them. For them we celebrate Human Rights Week.

HONORING THE CONTRIBUTIONS
OF DENIS P. GALVIN TO OUR
NATIONAL PARKS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. RAHALL. Mr. Speaker, this month marks the end of a 38-year career in government service for National Park Service Deputy Director Denis Galvin.

For many people, both within and outside of the National Park Service (NPS), Denny is "Mr. Park Service." The breadth and scope of his knowledge of national park issues is tremendous as evidenced by the wide range of NPS leadership positions with which Denny has been entrusted. Beginning as a civil engineer at Sequoia National Park in 1963, Denny rose through the ranks of the National Park Service to hold such positions as Deputy Regional Director, Manager of the Denver Service Center, and Associate Director for Planning and Development. At two different points in his career, Denny has served as Deputy Director of the National Park Service and on a number of occasions he has been the Acting NPS Director.

Denis is well known as a strong advocate for the National Park Service, defending both NPS employees and the work of the agency itself. It is heartening to see a civil servant who has exhibited such a love for his work and for the agency for which he works.

The National Park Service administers many of our Nation's greatest natural and historical resources. We in West Virginia are blessed to have some of these resources within our borders and I am proud of the work of the National Park Service in preserving and interpreting these resources for the benefit of present and future generations. This work is made possible because of the efforts of people like Denis Galvin.

On Thursday, December 13, 2001 Denny is being honored by his friends and colleagues at a retirement dinner. I join Denny's many friends and colleagues in saluting him for all his efforts on behalf of the National Park System and wish Denny and his family the best in his retirement.

TRIBUTE TO EVANS ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Evans Elementary in recognition of their achievement as an "exemplary" school.

Evans Elementary has been selected as one of the top 50 schools of West Virginia. "Exemplary" status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Evans Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Evans Elementary.

INTRODUCTION OF MILITARY
TRIBUNALS LEGISLATION

HON. JANE HARMAN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Ms. HARMAN. Mr. Speaker, Today my colleague Zoe Lofgren and I are introducing legislation to authorize the President to use military tribunals to try foreign terrorists captured abroad.

Today's Washington Post details the likelihood that up to 10,000 Taliban fighters and others could be detained in Afghanistan as a conclusion to the military campaign there. The Administration's intention is to interview those who could provide information, and to prosecute the senior leadership—possibly by using several military tribunals set up pursuant to the President's November 13 military order.

This is a good strategy, and I support it.

But to execute that strategy consistent with Constitutional requirements, the use of those tribunals needs specific authorization from Congress.

Our bill provides that authorization and, we believe, important limitations on the use of military tribunals consistent with the Administration's intent.

We hope the Administration will embrace our concepts, and that members of Congress on a bipartisan basis will join us. As attorneys, we believe our bill represents mainstream legal doctrine.

First, we authorize military tribunals to try foreign nationals in venues like military bases or aircraft carriers outside the United States. Our federal courts and courts martial operated pursuant to the Uniform Code of Military Justice are capable of trying U.S. citizens, legal residents, and others within the United States. In this regard, we applaud yesterday's news that Zacarias Moussaoui has been indicted and will be tried in Federal Court on conspiracy charges.

Second, our bill ties those who are tried by military tribunals to actions specifically enumerated by Congress in the Joint Resolution

authorizing the use of force following September 11.

Third, we include the same sunset clause contained in the PATRIOT Act: December 31, 2005.

Fourth, we make clear that *habeas corpus* is not waived. Article 1, Section 9 of the Constitution requires action by Congress to suspend this right: a President cannot waive it by military order.

Congressional action will contribute to public and international acceptance of the use of military tribunals by making sure they are done right.

In our nation's history, military tribunals have had an important place in our prosecution of war criminals, but always in conjunction with Congressional action. Our legislation ensures the right balance between protecting our Constitutional principles and taking strong action against terrorists, and I urge all of my colleagues to support it.

TRIBUTE TO KATHY NGUYEN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Ms. Kathy Nguyen, a dedicated hospital worker and resident of the Bronx for over 20 years. Ms. Nguyen became an innocent victim of unfortunate circumstances on October 31, 2001 at the age of 61.

Ms. Nguyen has been described as a loyal and caring woman who was well-known and well-loved in her South Bronx community. Like most Americans, I was shocked and saddened to hear of Ms. Nguyen's passing. I had remained hopeful that she would recover when it was determined that she had contracted Anthrax. Ms. Nguyen was a victim of horrible circumstance and while no family members could be located, she continues to be mourned by a host of friends and neighbors who miss her deeply. Ms. Nguyen will be remembered by the entire nation. While each of the lives lost in the past few months have reminded us of exactly how precious life is, Kathy Nguyen's passing brought home the reality of how vulnerable we all are, whether we are members of Congress, TV personalities, or hospital workers. That is one of the reasons that she will be remembered by the nation for years to come. Mr. Speaker, it is important that she be remembered more than as the first mysterious Anthrax victim, but as a unique and well-loved individual whose presence is missed by many. I am truly grateful for this opportunity to honor her memory.

Mr. Speaker, Ms. Nguyen had encountered adversity more than once in her life. She escaped a war-torn Vietnam in 1975 in search of solace in the United States. She left behind her slain family and friends and began a new life, on her own, in a new country. Ms. Nguyen had been a business woman in her native country, owning and operating a bar in Saigon. The strength and courage this woman must have possessed in order to successfully overcome obstacles in her life are worthy of admiration. Besides Ms. Nguyen's quiet strength, she will be most remembered by her friends and neighbors for being a dear friend. Her friend Gina Ramjassigh was quoted as

saying, "Everyone that she touched loved her. She was an aunt to my children and she was the best friend I ever had." Other people who knew Ms. Nguyen have said that she was always reaching out to others.

I ask my colleagues to join me today in honoring a life that was needlessly cut short and in memorializing Ms. Kathy Nguyen.

THE FOREIGN TERRORIST MILITARY TRIBUNAL AUTHORIZATION ACT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Ms. LOFGREN. Mr. Speaker, Congresswoman JANE HARMAN and I support our Commander-in-Chief in the fight against terrorism. We agree that we may need to convene military tribunals and the bill that we are introducing today would specifically authorize that.

Article 1, Section 8 of our Constitution provides that Congress shall constitute tribunals inferior to the Supreme Court and that Congress shall make rules concerning captures on land and water in time of war.

On September 11th, international criminals terrorized and killed many innocent Americans. These murderers must face swift and unyielding justice if they are not killed in combat and, if we are going to try combatants on Afghan soil, it is likely that a military tribunal is the right forum.

Congress needs to act so that there will be no question that this is legal.

But, as the Supreme Court pointed out in *Ex Parte Milligan*, 71 U.S. 2, 18 L. Ed. 281 (1866), when courts are operational here in America they need to be used for the trial of criminals. That's why this bill limits tribunals to those being prosecuted abroad. If Osama bin Laden is captured overseas, he will face a military tribunal. If your neighbor is arrested tomorrow in San Jose, he will go to court like any other accused person in America. It is important to note that American law already provides for the safekeeping of classified information and the security of trials. The Classified Information Procedures Act (CIPA) has been part of American law for two decades. It rightly insures that criminal prosecution won't jeopardize national security.

The President's recent military order also appeared to suspend the right of the accused to appeal to courts. In essence, this would suspend the Writ of Habeas Corpus. The Order stated that any individual subject to a military tribunal "shall not be privileged to seek any remedy or maintain any proceeding, directly or indirectly, or to have any such remedy or proceeding sought on the individual's behalf, in (i) any court of the United States, or any State thereof, (ii) any court of any foreign nation, or (iii) any international tribunal."

We are a nation of laws. The most important, our original law, is our Constitution.

Article 1, Section 9 provides that the writ of Habeas Corpus may only be suspended when the public safety may require it and then only in cases of rebellion or invasion. Suspension require Congress to act. It is not the President's prerogative. Even President Lincoln, who felt the need to suspend Habeas during the civil war, had to seek and obtain approval

from Congress to do so. We have expressly preserved habeas corpus in our bill.

We have also required the President to report to the Congress about the use of these tribunals and on a classified basis if necessary.

There is a sunset provision for these extraordinary procedures. The use of military tribunals expires on December 31, 2005 with the use of force authorization that Congress granted the President. As with the Use of Force authorization itself, if it is necessary to take further military action, Congress will need to act to extend the war as well as the war tribunals.

We need to make this bill the law so that there will be no question that military tribunals are valid.

We also need to once again mobilize America behind our Commander in Chief in the prosecution of the war against terrorists.

I believe this bill would receive overwhelming support in Congress and we hope it can be swiftly considered.

TRIBUTE TO OVERBROOK ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Overbrook Elementary in recognition of their achievement as an "exemplary" school.

Overbrook Elementary has been selected as one of the top 50 schools of West Virginia. "Exemplary" status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Overbrook Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Overbrook Elementary.

PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

SPEECH OF

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2001

Mr. STRICKLAND. Mr. Speaker, I would like to thank Chairman Tauzin and Ranking Member Dingell for their hard work on a significant step towards this country's ability to strongly defend itself against bioterrorist threats. The Public Health Security and Bioterrorism Response Act of 2001 makes important progress toward effective planning and preparedness by our public health system for a bioterrorist attack and the security of our food and water supplies.

I am pleased that the bill includes direct funding of grants that will help our state and

local public health departments implement emergency response plans, educate health care personnel, and equip the first responders in our emergency rooms and police and fire departments. The bill will do much to make sure our food supply is protected from attempts at contamination by increasing inspection and tightening port security; it also ensures that we have the tools to investigate any suspected contamination of the food supply by the increasing record keeping and requiring registration by the food industry.

While I support the legislation we are considering today, I look forward to future work on bioterrorism legislation that will expand on this bill. We must require country of origin labeling at the retail level so that consumers can know the source of retail food offerings and consider that knowledge when selecting their purchases. We should ensure that we enact common sense requirements to protect our food supply that are responsible, not overly burdensome. We must expand on provisions in this bill to facilitate the development, production, and distribution of vaccinations that could protect our population against either an intentional bioterrorist attack or the devastating spread of an infectious disease. I believe we should create a national vaccine authority, as recommended by the National Academy of Sciences, to coordinate and aid in these efforts. Finally, we must continue to listen to those who will be on the front lines of any bioterrorist attack, including the doctors and nurses in emergency rooms, hospitals, and health centers and the members of fire and other emergency rescue teams, and help their local communities to meet their needs, restricting federal programs to coordination of these crucial local resources.

Again, I support this legislation and thank my colleagues for their work in crafting it.

STOP CANNED HUNTING, THE
RESPONSIBLE THING TO DO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. FARR of California. Mr. Speaker, Today I am introducing the "Captive Exotic Animal Protection Act of 2001" It is a bill to combat the unfair and inhumane practice of "canned hunting."

At more than 1,000 commercial "canned hunt" operations across the country, trophy hunters pay a fee to shoot captive exotic animals—from African lions to giraffes to blackbuck antelope—in fenced enclosures in which the animals have no reasonable chance of escape. Most of the hunts are guaranteed—in that the ranch owner assures the "client" that he will secure an exotic trophy. It's a "no kill, no pay" arrangement. The animals on hunting ranches—procured from exotic animal dealers—have often lived a life being fed by hand and have little or no fear of humans; that fact, coupled with their confinement in a fenced area, all but assure a successful "hunt."

This bill will complement the efforts undertaken by states to restrict this practice. California and other states already outlaw this practice. In November 2000, voters in Montana approved a ballot initiative to ban the

practice of shooting animals in fenced enclosures. The individuals who spearheaded this campaign were, it is important to note, lifelong hunters. They were members of groups such as the Rocky Mountain Elk Foundation, the Montana Wildlife Federation, and the Montana Bowhunters' Association—all of which avidly support hunting, but oppose canned hunts. This is a strong indicator that "canned hunts" are out of step with common principles governing responsible hunting.

The regulation of the transport and treatment of exotic mammals on shooting preserves, however, falls outside the traditional domains of state agriculture departments and state fish and game agencies. In short, these animals often fall into regulatory limbo at the state level. In order to address this problem, which directly involves an issue of interstate commerce, since exotic mammals are those which typically are sold across state lines or imported because they are not native to the United States, I am introducing the "Captive Exotic Animal Protection Act."

This bill will halt the interstate shipment of exotic mammals for the purpose of being shot in a fenced enclosure for entertainment or a trophy. It is sensible legislation that is backed by responsible hunters, animal protection advocates, wildlife scientists, environmentalists, and zoological professionals. The Senate has the same bill before it for consideration.

This bill will not limit the licensed hunting of any native mammals or any native or exotic birds. The state fish and game agencies regulate and license the hunting of native species. A federal remedy is needed, however, to deal with the purely commercial interstate movement of exotics destined to be killed at "canned hunting" ranches.

This bill supports responsible hunting, while curbing something so out-of-bounds with hunting norms that hunters and animal advocates alike view it as unfair and inhumane.

TRIBUTE TO SHOALS
ELEMENTARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Shoals Elementary in recognition of their achievement as an "exemplary" school.

Shoals Elementary has been selected as one of the top 50 schools of West Virginia. "Exemplary" status is based on Stanford Achievement Test results, attendance, drop out rates, and writing exam scores.

I commend the leadership and faculty on their dedication to the children that walk through their doors each day. They have set an incredible example for the other 817 schools in West Virginia.

I equally commend the students and parents of Shoals Elementary for their commitment to a quality education and a bright future.

Efforts to bring superior education to all of West Virginia and America are among our top priorities. Mr. Speaker, I urge my colleagues to join me in honoring Shoals Elementary.

ANALYSIS OF SECTION II OF H.R.
2887

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Ms. JACKSON-LEE of Texas. Mr. Speaker, on October 11, 2001, the Committee on Energy and Commerce favorably reported H.R. 2887, the "Best Pharmaceuticals for Children Act." I commend the Committee for its great work to reauthorize legislation to promote labeling of prescription drugs for use in children. However, I am concerned that a section of this legislation may violate the Takings Clause of the United States Constitution. As a member of the Committee on the Judiciary, I have vigorously sought to protect private property rights and to pursue just compensation for those whose property rights are violated. My analysis of section 11 of H.R. 2887, brings me to the conclusion that it would violate current exclusive rights of manufacturers and in turn expose the U.S. government to substantial claims for just compensation. Attached are legal memoranda by Professor Laurence Tribe of Harvard University that validate my concerns:

MEMORANDUM TO THE UNITED STATES CONGRESS—CONSTITUTIONAL ANALYSIS OF H.R. 2887'S PROPOSED AMENDMENT TO HATCH-WAXMAN ACT ELIMINATING THREE-YEAR CLINICAL STUDIES EXCLUSIVITY PERIOD

(By Laurence H. Tribe)

I have been asked to address the implications under the Fifth Amendment Just Compensation Clause (sometimes called the Takings Clause) of H.R. 2887, which proposes to eliminate the three-year clinical studies exclusivity period under the Hatch-Waxman Act. Section 11(a) of the reported version of H.R. 2887 provides that a generic drug may be approved under the Federal Food, Drug and Cosmetic Act ("FDCA") even when its labeling omits a pediatric use that is protected by patent or marketing exclusivity under Section 505(j)(5)(D)(iii) and (iv). Section 11(b) of H.R. 2887 implies that Section 11(a) applies to already running three-year exclusivity periods.

The FDCA establishes a quid pro quo that H.R. 2887 would retroactively abrogate. In order to gain regulatory approval from the FDA, a pharmaceutical company must invest enormous time, money, and human resources to develop extensive clinical data regarding its drug. At the end of a three-year period, the protected data is opened to the public and may be used by competitors. In exchange, Section 505(j)(5)(D)(iii) and (iv) provide that the FDA "may not make the approval of [a competitor application]...for three years." H.R. 2887 now proposes to undo the bargain struck by current law.

Under the Supreme Court's decision in *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986 (1984), and related precedent, the retroactive elimination of the exclusivity period qualifies as a taking of private property for public use and therefore triggers the right to just compensation.

ANALYSIS

1. The Ruckelshaus Decision.

Fifth Amendment analysis must begin with the text of the Clause: "nor shall private property be taken for public use, without just compensation." The meaning of that text as most authoritatively set forth in the Supreme Court's decision in *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986 (1984), which held

that the government's use of private proprietary research data for public regulatory purposes constituted a compensable taking. Ruckelshaus is highly instructive because the statutory change at issue in that case was the elimination of an exclusive pesticide marketing scheme, closely analogous to the change effected by H.R. 2887. The fact that Ruckelshaus concerned pesticides, while the instant controversy involves pharmaceuticals, obviously is not material to the constitutional analysis.

The Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA") at issue in Ruckelshaus originally limited an agency's use of studies submitted by an initial applicant to support later applicants' efforts to obtain approval of similar formulations. In 1978, FIFRA was amended to weaken that restriction. The 1978 amendments were then challenged in court, and the Supreme Court held in Ruckelshaus that they worked a taking and triggered the right to just compensation.

The Supreme Court noted that, with respect to trade secrets submitted by Monsanto under FIFRA between 1972 and 1978, "the Federal Government had explicitly guaranteed to Monsanto and other registration applicants an extensive measure of confidentiality and exclusive use. This explicit governmental guarantee formed the basis of a reasonable investment-backed expectation." 467 U.S. at 1011 (emphasis added). The Court then explained that "[i]f EPA, consistent with the authority granted it by the 1978 FIFRA amendments, were now . . . to consider those data in evaluating the application of a subsequent applicant in a manner not authorized by the version of FIFRA in effect between 1972 and 1978, EPA's actions would frustrate Monsanto's reasonable investment-backed expectation with respect to its control over the use and dissemination of the data it had submitted." *Id.*

Plainly, the Supreme Court's decision in Ruckelshaus provides strong support for the conclusion that the elimination of the three-year clinical studies exclusivity period would effect a compensable taking.

2. There is a Protectable Property Right. I understand that proponents of H.R. 2887 take the position that the elimination of the three-year clinical studies exclusivity period does not work a taking because it does not implicate any property rights at all. I find this surprising, to say the least, because the Government did not even dispute in the Ruckelshaus case that "Monsanto has certain property rights in its information, research and test data that it has submitted under FIFRA to EPA and its predecessor agencies which may be protected by the Fifth Amendment to the Constitution." 467 U.S. at 1001.

Indeed, in *Tri-Bio Laboratories, Inc. v. United States*, 836 F.2d 135 (3d Cir. 1987), the court upheld the refusal of the FDA to allow a generic animal drug manufacturer to incorporate in its application the research and testing data submitted by another manufacturer which had earlier obtained approval to market the predecessor brand name drug. The FDA insisted that such testing data was proprietary and confidential and that its use "to review generic drug applications would constitute expropriation." *Id.* At 138. The court agreed that the FDA's rules "provided pioneer animal drug manufacturers with [a] reasonable investment-backed expectation that the FDA would refrain from nonconsensual use of research material." *Id.* at 140-41. "Use of that material in processing the [competitor's] application, therefore, would constitute a Fifth Amendment taking, requiring payment of compensation by the government." *Id.* at 141.

The Supreme Court has long held that intangible property rights are protected under

the Fifth Amendment's Just Compensation Clause. See, e.g., *Armstrong v. United States*, 364 U.S. 40, 44 (1960) (materialman's lien protected); *Louisville Joint Stock Land Bank v. Radford*, 295 U.S. 555, 596-602 (1935) (real estate lien protected); *Lynch v. United States*, 292 U.S. 571, 579 (1934) (contracts protected). See also *Laurence H. Tribe, AMERICAN CONSTITUTIONAL LAW* §9-2, p. 591 n.11 (2d ed. 1988) (observing that the Supreme Court has tended toward "a broadened conception of 'property' in takings analysis," "incorporating wholly intangible forms of property").

By the same token, the Court has also opened that the retroactive alteration of the terms on which a patent is granted would work a compensable taking of private property. See, e.g., *Richmond Screw Anchor Co. v. United States*, 275 U.S.C 331, 345 (1928) (elimination of patent infringement action "is an attempt to take away from a private citizen his lawful claim for damage to his property by another private person, which but for this act he would have against the private wrongdoer. This result . . . would seem to raise a serious question . . . under the fifth Amendment to the Federal Constitution."); *William Cramp & Sons Ship & Engine Bldg Co. v. International Curtis Marine Turbine Co.*, 246 U.S. 28, 39-40 (1918) ("rights secured under the grant of letters patent by the United States [a]re property and protected by the guarantees of the Constitution and not subject therefore to be appropriated even for public use without adequate compensation").

Under these principles, the exclusivity guaranteed by Section 505(j)(5)(D) (iii) and (iv), which is mirrored in FDA regulations, see 21 CFR §314.127(a)(7), is a prototypical property right. As the Supreme Court has explained, the right to exclude "is central to the very definition of the property interest." Ruckelshaus, 467 U.S. at 1011, for it is "one of the most essential sticks in the bundle of rights that are commonly characterized as property." *Kaiser Aetna v. United States*, 444 U.S. 164, 176 (1979); see also *Nollan v. California Coastal Comm'n.*, 483 U.S. 825, 830-32 (1987) (same); *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 435 (1982) ("The power to exclude has traditionally been considered one of the most treasured strands in an owner's bundle of property rights."). See generally *Thomas W. Merrill & Henry E. Smith, What Happened to Property in Law & Economics?*, 111 *Yale L.J.* 357, 360 (Nov. 2001) ("property rights attach to persons insofar as they have a particular relationship to some thing and confer on those persons the right to exclude a large and indefinite class of other persons ('the world') from the thing").

As the Court explained in Ruckelshaus, "[W]ith respect to a trade secret, the right to exclude others is central to the very definition of the property interest. Once . . . others are allowed to use those data, the holder of the trade secret has lost his property interest in the data." 467 U.S. at 1011. "[T]he value of a trade secret lies in the competitive advantage it gives its owner over competitors. Thus, it is the fact that operation of the [statutory change] will allow a competitor to register more easily its product or to use the disclosed data to improve its own technology that may constitute a taking." *Id.* at 1011 n.15.

The three-year exclusivity period is enforceable by means of a suit against the FDA under 21 C.F.R. §§10.30, 10.35. It is also transferable. See 59 Fed. Reg. 50338, 50339 (Oct. 3, 1994) ("an applicant may purchase an application or rights of data and information in an application (i.e., exclusive rights to a new clinical investigation), from which exclusively would flow").

Thus, the three-year exclusivity period—acquired at great expense and heretofore protected by law—is the very essence of an "investment-backed expectation" that is fully protected by the Fifth Amendment from any taking without just compensation. *Penn Central Transp. Co. v. City of New York*, 438 U.S. 104, 124 (1978).

Moreover, the confidential and proprietary research submitted by drug manufacturers—which under H.R. 2887 would be used by the FDA in order to approve generic versions of the same pharmaceuticals—also qualifies as a "trade secret" under applicable state law. "A trade secret is any information that can be used in the operation of a business or other enterprise and that is sufficiently valuable and secret to afford an actual or potential economic advantage over others." Restatement (Third) of Unfair Competition §39 (1995). The Uniform Trade Secrets Act, §1(4), promulgated in 1979 by the National Conference of Commissioners on Uniform State Laws, contains the equivalent definition of "trade secret." Tellingly, confidential information regarding the production of pharmaceuticals is the very first illustrative example of a trade secret provided by the Restatement. See Restatement (Third) of Unfair Competition at §39, Illustration 1. See also *MILGRIM ON TRADE SECRETS* §1.09 (2001) (providing numerous examples where pharmaceutical information has been classified as a trade secret).

CONCLUSION

The retroactive elimination of the three-year clinical studies exclusivity period would undoubtedly effect a "taking" of "private property" within the meaning of the Fifth Amendment. Any public purposes that may be advanced in favor of H.R. 2887 bear only on whether the taking is altogether void—which it is if the property is not put to a "public use," equated by the Supreme Court with "public purpose." See *Hawaii Housing Auth. v. Midkiff*, 465 U.S. 229, 239-41 (1984). If property is taken for a "private use"—i.e., a purely private purpose—then the taking violates substantive due process and cannot be saved by an amount of compensation. See, e.g., *Thompson v. Consolidated Gas Utilities Corp.*, 300 U.S. 55, 77-79 (1937).

A "purpose purpose," however compelling, has no bearing whatsoever on whether just compensation is required in order to make the taking valid. Compensation for a taking of private property is invariably required precisely when that taking is for a public purpose or use. See, e.g., *Jed Rubenfeld, Usings*, 102 *Yale L.J.* 1077 (1993). The Just Compensation Clause is concerned not with the question whether a given taking was substantially justifiable but solely with the question of who should pay for presumptively justifiable takings. As the Supreme Court has often put it, one of the principal purposes of the Just Compensation Clause is "to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole." *Dolan v. City of Tigard*, 512 U.S. 374, 384 (1994) (quoting *Armstrong v. United States*, 364 U.S. 40, 49 (1960)).

From the fact that just compensation would be required, and the further fact that the Just Compensation Clause is self-executing, see *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles*, 482 U.S. 304, 315, 316 n.9 (1987), it follows that H.R. 2887 would represent an enormous tax lien automatically levied by the measure's proponents upon the rest of the nation. It would, despite protestations of its proponents that no tax expenditure would be required and thus that no added appropriation or tax levy would be needed, have to be

funded either by new or higher taxes or by an equivalent cut in spending on military or other discretionary budget items. H.R. 2887, therefore, cannot be evaluated as though it would provide some sort of pharmaceutical free lunch. Someone's ox, to mix metaphors just a bit, would plainly have to be gored to pay for whatever public benefits the measure might provide. That the cost could quietly and painlessly be laid at the feet of private investors in pharmaceutical companies is a pure mirage. Those investors know their rights, and they know the address of the U.S. Court of Federal Claims.

DIETARY SUPPLEMENT TAX
FAIRNESS ACT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. BURTON of Indiana. Mr. Speaker, I am pleased to be reintroducing this legislation in the Congress. It represents an important and critical step forward to improving our healthcare system. Throughout my career in Congress, I have always led efforts to examine and support complementary and alternative healthcare. In chairing the House Committee on Government Reform, we have learned a great deal about healthcare that represents a marketplace of over \$30 billion dollars and is utilized by one out of every four Americans.

One critical item we have discovered is the inequities that exist within the Internal Revenue Code that discourage good health and wellness. For example, many consumers often ask why there are no insurance benefits for dietary supplements, which are used primarily to maintain good health and wellness. Some dietary supplements, like Folic Acid, can help prevent disease or disease risks like birth defects. Many insurance companies would like to offer coverage to their beneficiaries who continually demand this type of coverage. Unfortunately, the tax code does not allow an insurer to offer this coverage without incurring tax liabilities to consumers and higher administration costs. This powerful disincentive needs to be removed so health insurers can begin developing meaningful and cost effective benefits for their beneficiaries and assist them in maintaining good health longer.

I am pleased to be joined by five of my colleagues on the reintroduction of this bill. I am pleased that Mr. CANNON of Utah, Mr. ISTOOK of Oklahoma, Mr. PAUL of Texas, and Mr. HORN of California have joined as cosponsors in this bill. I am also pleased to be joined by the Gentleman from New Jersey, Mr. PALLONE in reintroducing this legislation. It emphasizes two other important things for my colleagues. This legislation is bipartisan and should be supported by members on both sides of the aisle.

I also note last week the White House Commission on Complementary and Alternative Medicine Policy convened for one of its final meetings. This Commission will be issuing an important report and recommendations for the Congress and the Administration in March 2002. One of the several key recommendations that is likely to be made by the Commission is that the Congress begin reforming the Internal Revenue Code to support and encour-

age health insurance coverage for complementary health care. The federal government should be actively working to remove barriers to coverage and access to complementary health care. I look forward to reviewing that report when it is released next year and work with the Administration to implement the recommendations.

COMMENDING MR. JAMES D.
RUTH, CITY MANAGER OF ANA-
HEIM, CALIFORNIA

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. COX of California. Mr. Speaker, I rise today to commend Mr. James D. Ruth, City Manager of Anaheim, California, who is ending his 45 year career in public service at the end of this year.

After serving in several California municipalities, Jim came to Orange County in 1976 to serve the City of Anaheim as the Parks, Recreation, and Community Services Director. He later served as Deputy City Manager, Assistant City Manager, and, finally, as City Manager. Jim's outstanding services in all of these positions has earned him numerous awards, including being named "Orange County Manager of the Year" and "Anaheim Rotarian of the Decade."

With almost twelve years of dedicated service as the City Manager for Anaheim, which is the tenth largest city in California, Jim Ruth has invigorated Anaheim into an internationally renowned tourist community. Under his leadership, the City of Anaheim became a major contributor to California's booming tourism and entertainment industry.

Most recently, Jim successfully led the city's efforts to establish the Anaheim Resort District, including a multi-million dollar expansion of the Anaheim Convention Center and the creation of the new Disney "California Adventure" theme park. Jim also served as the city's chief negotiator in the construction of the Arrowhead Pond, home of the National Hockey League's Anaheim Mighty Ducks and hundreds of other special events. This concert and sports venue is now second only to Madison Square Garden in New York City in number of events. And, just across the street, Jim paved the way for the renovation of Edison Field, home of Major League Baseball's Anaheim Angels.

Jim's expertise on city issues was invaluable. He improved the quality of life and standard of conducting business in Anaheim. His contributions to numerous industry, civic, and social organizations throughout Orange County will benefit its residents for years to come.

Today, I join my fellow California colleagues to thank Jim for all of his hard work and dedication. I also wish to thank Jim's wife, Linda, who is a public servant in her own right. In behalf of the United States Congress and all of the people of Orange County whom it is my privilege to represent, congratulations to Jim Ruth on his successful term as the City Manager of Anaheim, and best wishes for a well-deserved retirement.

TRIBUTE TO MAJORITY LEADER
DICK ARMEY

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. HASTERT. Mr. Speaker, DICK ARMEY has been one of my closest friends in the Congress, and his contributions to the House of Representatives have been enormous.

DICK ARMEY is not a natural politician, but he is a natural leader. DICK came to the Congress with the idea that this institution could work better for the American people; that it could be more responsive to the people's wishes; that it could be more responsible with the taxpayer's money; and that it could be play a more balanced role in the lives of the American people.

He will leave at the end of his term with the knowledge that he has made this Congress a better place.

I am proud of DICK ARMEY; I am proud of his ideas; and, I am proud of his achievements.

I know that he will continue to fight for his constituents and for the American people every day that he remains in this institution.

IN MEMORIAM OF DONALD
GLOVER

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2001

Mr. LAMPSON. Mr. Speaker, I rise today in great sadness to honor Donald Glover, who passed away yesterday, December 11th. Donald Glover was a remarkable man who was committed to his community, his country, and above all, his family.

Donald was concerned about Southeast Texas and the people who lived there. He was a long time civic and community leader. He followed me as the Chair of the Jefferson County Democrats and helped thousands of citizens register to vote.

Always a man who believed in equality and justice, he fought hard for working men and women, for senior citizens and for children. His impact on the community could be felt everywhere, he was a positive force in Southeast Texas.

Donald and his wife Helen were a team like Lyndon B. Johnson and Lady Bird. Their "matching AMC pacers" became a sign at any political or community event that the Glovers had arrived and it would not be "business as usual."

He was of the utmost character, and his attributes of selflessness and commitment to others are rare gifts that this nation was lucky to have. Donald Glover was a man who served his community with great pride and devotion. He often thought outside the box to make sure that everyone got a fair shake in life.

His work was part of the fiber of Southeast Texas, and with his passing a great loss will be felt in the spirit and the heart of our community. Today, as an American we lost a great activist, but as a Congressman I have lost a friend.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 13, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 14

9:30 a.m.
Finance

To continue markup of H. R. 3005, to extend trade authorities procedures with respect to reciprocal trade agreements; and to consider the nomination of Richard Clarida, of Connecticut, to be Assistant Secretary for Economic Policy, the nomination of Kenneth Lawson, of Florida, to be Assistant Secretary for Enforcement, and the nomination of B. John Williams, Jr., of Virginia, to be Chief Counsel for the Internal Revenue Service and Assistant General Counsel, all of the Department of the Treasury; the nomination of Janet Hale, of Virginia, to be Assistant Secretary for Management and Budget, and the nomination of Joan E. Ohl, of West Virginia, to be Commissioner on Children, Youth, and Families, both of the Department of Health and Human Services; and the nomination of James B. Lockhart, III, of Connecticut, to be Deputy Commissioner of Social Security, and the nomination of Harold Daub, of Nebraska, to be a Member of

the Social Security Advisory Board, both of the Social Security Administration.

SD-215

Commerce, Science, and Transportation
To hold hearings on the nomination of John Magaw, to be Under Secretary of Transportation for Security (pending receipt by the Senate).

SR-253

DECEMBER 18

9:30 a.m.

Commerce, Science, and Transportation
To hold hearings to examine issues surrounding the collapse of Enron Corporation.

SR-253

10 a.m.

Health, Education, Labor, and Pensions
To hold hearings to examine the limits of existing laws with respect to protecting against genetic discrimination.

SD-106

2:30 p.m.

Foreign Relations
International Operations and Terrorism Subcommittee
To hold hearings to examine the global outreach of Al-Qaeda.

SD-419